



City of Huntington Beach Planning Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning
BY: Jason Kelley, Senior Planner *JK*
DATE: November 24, 2009

SUBJECT: REVIEW OF CONDITIONAL USE PERMIT NO. 08-052 (BRETHREN CHRISTIAN HIGH SCHOOL)

APPLICANT: Kevin A. Coleman, Net Development, 3130 Airway Avenue, Costa Mesa, CA 92626

PROPERTY

OWNER: Huntington Beach City School District, 20451 Cramer Lane, Huntington Beach, CA

LOCATION: 21141 Strathmoor Lane (west side of Strathmoor Ln., south of Atlanta Ave. – former Gisler School site)

STATEMENT OF ISSUE:

This item represents a review of the public complaints and violations of the conditions of approval of Conditional Use Permit No. 008-052 approved by the City Council on May 18, 2009. The entitlement permitted the construction of a 27,000 sq. ft. gymnasium, use of the gymnasium for school related events and by the community, use of the existing multi-purpose soccer field as a football field with bleacher seating and use of four portable lights and associated site improvements. The review may determine the scheduling of a public hearing to consider the revocation of the entitlement or modifications of the conditions of approval.

RECOMMENDATION:

Motion to:

“Direct staff to schedule a study session on January 12, 2010, and a public hearing on January 26, 2010 to consider the possible modifications to the conditions of approval or the revocation of Conditional Use Permit No. 08-052.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

“Continue review of Conditional Use Permit No. 08-052 and direct staff accordingly.”

BACKGROUND:

Conditional Use Permit No. 08-052 and Negative Declaration No. 08-018 were approved by the Planning Commission on March 10, 2009. The Planning Commission's approval was appealed by Council Member Jill Hardy and Stephen M. Miles on March 20, 2009. The City Council approved the entitlements on May 18, 2009, with findings and modified conditions of approval, upholding the Planning Commission's approval of the project.

The approved entitlements also permitted the use of the existing multi-purpose soccer field as a football field, installation of bleachers, and use of four portable light standards at a maximum height of 30 feet. Condition of Approval No. 5h states in part that "all field lighting shall be oriented so as not to produce glare on adjacent residential properties" and the findings for approval (Findings No. 1e and 2) identified the number of portable light standards to four at a maximum height of 30 feet. (Attachment No. 1). In addition, the negative declaration analyzed a project description with four portable lights at a maximum height of 30 feet.

Brethren Christian High School has held six football games between September 18, 2009 and November 13, 2009, and as a result the City received numerous citizen complaints of light spillage and glare and the use of additional (up to 13) portable light standards. Additional complaints and questions regarding use of the field and grading activities have been received pertaining to water quality, noise, traffic, parking of construction equipment on a City owned public parking lot, ADA compliance, Water Quality Management Plan, saving existing trees and poison on grass. To date, the City has received 28 emails regarding the activities at the site (Attachment No. 6).

After discussing the issues with Brethren Christian High School and after Code Enforcement inspections, a Notice of Violation was issued to Brethren Christian High School on October 27, 2009 (Attachment No. 2). Additionally, Code Enforcement issued a civil citation on November 9, 2009 for failure to comply with the conditions of approval and abate the violations (Attachment No. 3).

Code Enforcement History:

Code Enforcement performed the following inspections based on the citizen complaints regarding light spillage and glare and the maximum number of portable lights:

DATE	INSPECTION	RESULT
October 9, 2009	Inspected light spillage onto streets and adjacent residential properties.	Minimal light spillage, spoke to school and advised them to adjust lights downward
October 23, 2009	Inspected light spillage onto streets, traffic impacts and number of portable lights	Observed excess light spillage, glare and more portable lights than approved
October 27, 2009	—	Hand delivered a Notice of Violation to Brethren Christian High School
November 6, 2009	Inspected light spillage onto streets along with the number of portable lights	Observed excess light spillage, glare and more portable lights than approved
November 9, 2009	-	Civil citation issued to Brethren Christian High School
November 13, 2009	Inspected light spillage onto streets along with the number of portable lights	Present information to Planning Commission

Attachment No. 4 represents photos taken by Code Enforcement Officers at their four onsite inspections.

ANALYSIS:

Brethren Christian High School hosted home field football games on September 18, October 1, October 9, October 23, November 6 and November 13, 2009. As a result of citizen complaints from the October 1st football game, Code Enforcement staff inspected the property at their October 9th football game for possible light spillage and glare. Due to continued and additional citizen complaints, Code Enforcement staff informed the applicant of a scheduled re-inspection on October 23rd and requested additional measures to mitigate light spillage and glare. On October 19th the applicant submitted a memo to Code Enforcement outlining their planned measures to mitigate the light spillage and glare at their October 23rd football game (Attachment No. 7). On October 22nd planning staff notified Brethren Christian High School that a maximum of four portable lights are permitted pursuant to their approved entitlements (Attachment No. 8).

Following the October 23rd football game, Code Enforcement staff issued a Notice of Violation (NOV) to Brethren Christian High School (Attachment No. 2). The NOV identified two violations: the first violation identifies light spillage and glare onto residential properties and streets and the second violation identifies the violation of the maximum number (4) of portable lights. It is Brethren Christian High School's opinion that the second violation is incorrect and the conditional use permit allows four permanent light standards (Attachment No. 9). On November 5, 2009, staff and the applicant met to discuss these issues. On November 6, 2009, planning staff informed Brethren Christian High School of its findings and conclusions regarding the number of permitted portable light (Attachment No. 5) based on research of the CUP file, reviewing the staff reports and the negative declaration documentation. On November 9, 2009, Code Enforcement issued a civil citation to Brethren Christian High School for failure to comply with the NOV.

Due to the large number of citizen complaints and the on-site inspections resulting in a NOV and civil citation due to violations of the CUP, staff is requesting the Planning Commission schedule a study session and public hearing to consider modifications to the conditions of approval or revoke Conditional Use Permit No. 08-052.

ATTACHMENTS:

1. City Council Notice of Action dated May 26, 2009 with CUP findings and Conditions of Approval
2. Notice of Violation dated October 27, 2009 (Robert E. Ransom c/o BCHS)
3. Civil Citation dated November 9, 2009 (Robert E. Ransom c/o BCHS)
4. Photos – Code Enforcement Inspections
5. City's email re: The Notice of Violation dated November 6, 2009
6. 28 Emails - Citizen Complaints re: BCHS
7. Memo from Bob Ransom to Tim Flanagan dated October 19, 2009
8. City's email re: The number of permitted portable lights dated October 6, 2009
9. Email and letter from Kevin Coleman dated November 5, 2009



City of Huntington Beach

2000 Main Street • Huntington Beach, CA 92648

OFFICE OF THE CITY CLERK
JOAN L. FLYNN
CITY CLERK

NOTICE OF ACTION

**NEGATIVE DECLARATION NO. 08-018/ CONDITIONAL USE PERMIT NO. 08-052
(BRETHREN CHRISTIAN SCHOOL GYMNASIUM)**

May 26, 2009

Mr. Kevin A. Coleman
Net Development
3130 Airway Avenue
Costa Mesa CA 92626

APPLICANT: Kevin A. Coleman, Net Development, 3130 Airway Avenue,
Costa Mesa, CA 92626

REQUEST: **REQUEST: ND:** To analyze the potential environmental impacts associated with the implementation of the proposed project; **CUP:** To permit the construction of an approximately 27,000 sq. ft gymnasium, enhancements to existing landscape areas, construction/stripping of three new parking areas, resurfacing existing parking lot areas, and expansion of the existing sports program to include evening football and basketball matches. Proposed uses within the gymnasium will consist of school related events, in addition to ancillary events catering to the surrounding community, churches, and youth programs.

LOCATION: 21141 Strathmoor Lane (east side of Strathmoor Lane, south of Atlanta Avenue).

**PROJECT
PLANNER:** Rami Talleh

On Monday, May 18, 2009 a public hearing was held to consider an appeal filed by Councilmember Jill Hardy and Stephen M. Miles of the Planning Commission's approval of Negative Declaration No. 08-018/ Conditional Use Permit No. 08-052 for the Brethren Christian School gymnasium located at 21141 Strathmoor Lane.

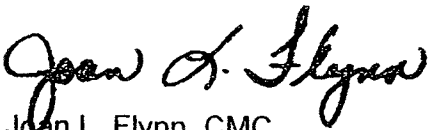
The following action was taken by the Huntington Beach City Council:

Approved as amended with Findings for Approval for Negative Declaration No. 08-018, and Findings and Conditions of Approval for Conditional Use Permit No. 08-052.

This is a final decision as to Conditional Use Permit No. 08-052. You are hereby notified that pursuant to provisions of Section 1094.6 of the Code of Civil Procedure of the State of California you have ninety days from the date of mailing of this notice to apply to the court for judicial review.

This is a final decision as to Negative Declaration No. 08-018. You are hereby notified that pursuant to provisions of the California Environmental Quality (CEQA) you have Thirty days from the date of filing a notice of determination to apply to the court for judicial review.

Enclosed are the Findings and Conditions of Approval, and the Action Agenda from the May 18, 2009 meeting. If you have any questions, please contact Rami Talleh, Senior Planner at (714) 374-1682.



Joan L. Flynn, CMC
City Clerk

JF:pe

c: Scott Hess, Director of Planning
Herb Fauland, Principal Planner
Rami Talleh, Senior Planner
Councilmember Jill Hardy
Stephen M. Miles, Miles/Chen Law Group

Attachments:

Findings and Conditions for Approval - CUP 08-052/ NG 08-018
City Council Action Agenda for 5-18-09

ATTACHMENT NO. 1.2

FINDINGS AND CONDITIONS OF APPROVAL

NEGATIVE DECLARATION NO. 08-018/ CONDITIONAL USE PERMIT NO. 08-052

FINDINGS FOR APPROVAL - NEGATIVE DECLARATION NO. 08-018:

1. The Negative Declaration No. 08-018 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and available for a public comment period of twenty (20) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Negative Declaration and Conditional Use Permit No. 08-052.
2. Conditions of approval avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur. Several conditions of approval including neighborhood outreach program and traffic monitoring will reduce potential traffic impacts associated with the school. In addition, staggered start and end time will reduce the impacts to the neighborhood to a less than significant level.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the conditions of approval for Conditional Use Permit No. 08-052, will have a significant effect on the environment.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 08-052:

1. Conditional Use Permit No. 08-052 for the (a) construction of an approximately 27,000 sq. ft., maximum 34 ft. tall gymnasium including (b) associated site improvements consisting of enhancing existing landscape constructing/stripping three parking areas totaling 92 parking spaces, and resurfacing existing parking areas, (c) use of the gymnasium for school related events and indoor boys and girls junior varsity and varsity sport games and practice including basketball games during school hours and in the evenings after school hours, (d) use of the gymnasium for the surrounding community, churches, and youth programs and (e) use of an existing multi-purpose soccer field as a football field, install bleachers, and four light standards for boys junior varsity and varsity football games and practice during school hours and in the evenings after school hours will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. Potential traffic impacts will be minimized through the use of staggered start and end times, a neighborhood outreach program including the formation of a neighborhood traffic committee and designating of neighborhood liaisons to the school. An additional measure consisting of monitors to regulate traffic entering and exiting the subject site during events will reduce impacts to the surrounding residential neighborhood.
2. The conditional use permit will be compatible with surrounding uses because the new gymnasium and expanded activities will be adequately buffered and controlled with the suggested conditions of approval. In addition, the proposed sports facilities are similar in nature to the activities historically and presently occurring on the site. The placement of the gymnasium and football field and bleachers provides as adequate buffer for the adjacent single family residential uses. The proposed light standards are much shorter in height when compared to the existing light standards (30 ft. vs. 70 ft.). In addition, the gymnasium

will be a tilt-up concrete structure with two visible components. The first component will house the ancillary rooms (restrooms, team rooms, concession area, ticket booth, etc...) and will be approximately 22 ft. high – similar in height to the existing classroom structures. The second component houses the courts and is approximately 34 ft. in height – similar in height to surrounding multi-family structures.

3. The proposed construction of a gymnasium at the subject property will comply with the provisions of the base district and other applicable provisions in Title 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The existing and proposed school facilities comply with all code requirements including building height, landscaping, parking, and any specific condition required for the proposed use in the district in which it would be located. One permanent surplus parking spaces and additional overflow parking will be available on the subject site.
4. The granting of the conditional use permit will not adversely affect the General Plan. The proposed residential use is consistent with the Land Use Element designation of Public on the subject property. The project will serve the educational needs of community and surrounding region and is consistent with the following goals and policies of the General Plan:

Objective LU 9.4: Provide for the inclusion of recreational, institutional, religious, educational, and service uses that support resident needs within residential neighborhoods.

Policy LU 9.4.1: Accommodate the development of parks, sports facilities, schools, libraries, community meeting facilities, religious facilities, and similar community-serving uses in all residential areas, provided that they are compatible with adjacent residential uses and subject to review and approval by the City and other appropriate agencies.

Policy LU 9.4.2: Require that institutional structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures.

Policy LU 9.4.3: Encourage the development and public use of City/School District joint use facilities where City parks and school facilities adjoin one another in order to maximize the use of the property, minimize the cost of development, and enhance the recreational and educational opportunities for the community.

Objective PF 4.3: Provide public services at sites with existing public or institutional users.

The site is currently developed as a school site with lighted open fields and currently occupied by Brethren Christian High School (BCHS), a private school. Furthermore, the existing fields are used by A.Y.S.O and Sea View Little League during the evenings on weekdays and during the day on weekends. The existing uses on the site and proposed gymnasium and football fields are consistent with the General Plan objectives and policies by advocating the inclusion of educational and recreational uses that support resident needs within residential neighborhoods. In addition the proposed uses provide additional employment opportunities for residents of the City and surrounding region and enhance the educational opportunities available for the youth of the community.

The proposed gymnasium and football field serve as sport/community facilities consistent in nature with the current use of the existing fields. The facilities will be compatible with the

surrounding neighborhood. The facilities will be sited in a way that provides the greatest amount of buffer for the adjacent residential uses. A total of 209 parking spaces will be provided on site to accommodate events within the facilities. Furthermore, site improvement such as landscaping enhancements and an improved vehicular circulation system will be provided to enhance the appearance of the site and provide for a more efficient use of the parking lots. The design of the gymnasium will incorporate vertical and horizontal offsets to be compatible with and convey the visual and physical scale and character of surrounding residential neighborhood. In addition, landscaping will be installed on the southern elevation to soften the appearance of the gymnasium.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 08-052:

1. The site plan, floor plans, and elevations received and dated October 9, 2008 shall be the conceptually approved design with the following modifications:
 - a. The landscape plans shall be modified to include landscaping along the entire length of the south elevation. The landscaping shall incorporate a horizontal element, such as three foot high shrubs, for the length of the building and vertical elements at every panel. (DRB)
 - b. The site plan shall be modified to include a pedestrian connection across the drive aisle perpendicular to Strathmore Lane between the main campus and the proposed gymnasium by shifting the parking spaces on the north side of the drive aisle to the east. The pedestrian connection shall incorporate decorative materials to differential the walkway from the drive aisle. (DRB)
 - c. The building elevation shall be modified to include an awning or canopy above the gymnasium entrance. Final design of the entrance shall be reviewed and approved by the Planning Department. (DRB)
 - d. The industrial roll up doors on the east elevations shall be removed and replaced with man doors
 - e. Gates will be installed at the entrance to all parking areas to restrict vehicular access to the site after hours. Final design, location and operating hours of the gates shall be reviewed and approved by the Planning, Public Works, and Fire Departments.
 - f. The site plan shall provide and identify seven additional parking spaces.
 - g. Elevations shall depict approved colors and building materials approved by the Design Review Board pursuant to Condition No. 3 and maintained in case file DRB No. 08-040.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).
3. Prior to issuance of building permits, the Design Review Board shall review and approve the gymnasium building elevations at publicly noticed meeting.
4. The structure cannot be occupied, the final building permit cannot be approved, and utilities cannot be released until the following has been completed:

- a. Applicant provides written confirmation of formation of a neighborhood traffic committee, with signatures of members.
 - b. Security cameras shall be installed to help monitor the site as approved by the Police Dept.
 - c. The applicant shall coordinate with Department of Public Works to install striping at the center line of Strathmore Lane and Effingham Drive.
5. The use shall comply with the following:
- a. A neighborhood traffic committee shall be established to allow neighbors to express concerns and suggest methods of improving traffic and pedestrian safety. Brethren Christian School shall meet with their regular neighborhood committee within one month after approval of the Conditional Use Permit, and on a quarterly basis thereafter, in order to assess the parking and traffic at the site. If there are substantial neighborhood concerns with traffic and/or parking, after six months from the issuance of a certificate of occupancy for the gym, then the issues shall be analyzed by Planning and Public Works staff and if necessary, shall be subject to further review by the Planning Commission. At that time, in order to resolve any outstanding concerns, the Planning Commission may modify and/or add conditions of approval. The school shall maintain a log of all complaints and make the log available upon request to the City.
 - b. There shall be a minimum of two parking lot attendants stationed at each of the two parking lot entrances for football games. Attendants shall be identifiable to persons in vehicles and shall direct traffic entering into and existing from the site.
 - c. Use of the gymnasium for events with more than 100 spectators and participants and/or use of the football field for games shall not occur at the same time and shall not overlap with community organized sports activities or any classroom instruction.
 - d. Prior to the start of each school year, an informational packet shall be distributed throughout the entire neighborhood and to the City of Huntington Beach Planning Department with the following information:
 1. School contact information,
 2. School policies regarding traffic and parking control
 3. A calendar of events for the upcoming school year. The calendar of events shall include the next meeting date for the neighborhood traffic committee.
 - e. All groups to hold an event on the campus, will be required to have security personnel on site 30 minutes prior to, during, and 30 minutes after the event. They will be responsible for cleaning any trash debris, ensure that people do not loiter after events.
 - f. The use shall comply with all the conditions of approval of Conditional Use Permit No. 98-27 and Entitlement Plan Amendment No. 99-16.
 - g. Evening football games shall be restricted to Friday and Saturday only. A maximum of seven evening football games shall be allowed per football season. Football games shall start no later than 6:30 PM. In addition, the band shall cease all performances at 9:00 PM.
 - h. All field area lighting shall be oriented so as not to produce glare on adjacent residential properties.

- i. No school activities shall occur within the gymnasium and/or football field on Sundays.
 - j. Use of the gymnasium for non-school (Brethren Christian High School) activities/events shall be limited to 24 times per calendar year.
6. Signage shall be subject to separate permits.
7. A review of the use shall be conducted by the Planning Commission within six (6) months of the issuance of Certificate of Occupancy or final building permit approval to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance. A second review shall be conducted within 12 months of the issuance of Certificate of Occupancy or final building permit approval. At that time the Planning Commission may consider modifications to the conditions of approval.
8. The development services departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.



NOTICE OF VIOLATION

CITY OF HUNTINGTON BEACH
CODE ENFORCEMENT DIVISION
2000 MAIN STREET 3rd FLOOR
(714) 375-5155



October 27, 2009

Robert E. Ransom
c/o Brethren Christian School
21141 Strathmoor Lane
Huntington Beach, CA 92646

**SUBJECT: CODE VIOLATION(S) AT 21141 STRATHMOOR LANE
APN 149-081-13**

Dear Mr. Robert Ransom:

The City of Huntington Beach is dedicated to preserving the quality of life throughout the community. To achieve this goal, the City has adopted codes and ordinances to maintain a healthy, safe and clean environment, carry out land use policy, and ensure quality residential and business neighborhoods.

The property listed above was inspected by Tim Flanagan of the City's Code Enforcement Division on October 23, 2009.

As a result of this inspection, the following Huntington Beach Municipal Code/Zoning and Subdivision Ordinance Code Violation(s) were observed:

H.B.M.C. 17.10.050 (c) Nuisance Designated.

H.B.M.C./ZSO 249.02 Permits, Licenses, Certificates, and Approvals.

REQUIRED ACTIONS

In order to achieve compliance with the above code(s), please complete the required action(s) listed below within seven-(7) days from receipt of this letter:

1. Lights glaring onto adjacent property and streets are a public nuisance, re-direct lights to eliminate glare onto adjacent property and streets. Violation of CUP #08-052, Conditions of Approval No. 5h, must be abated by 11/05/09, re-inspection for compliance scheduled for 11/06/09. Failure to abate violations can result in a Civil Citation and a possible revocation hearing of CUP #08-052/Negative Declaration #08-018 before the Huntington Beach Planning Commission.

ATTACHMENT NO. 2.1

2. Violation of Negative Declaration No. 08-018 (2), and Findings of Approval – CUP 08-052. No more than four portable lighting units are permitted to be used for the football games. Failure to abate violations can result in a Civil Citation and a possible revocation hearing of CUP #08-052. Negative Declaration #08-018 before the Huntington Beach Planning Commission. Violation must be abated by 11/05/09, re-inspection for compliance scheduled for 11/06/09.

An inspection will be made following the date listed above to verify all required actions have been completed. It is very important that you correct all violations within the specified time period. Failure to correct the violations may result in the issuance of administrative citations and other fees and fines, including, but not limited to, a \$135.00 re-inspection fee, and or an enforcement fee of \$946.00. The City may also take action to abate the violations, with the cost of the abatement assessed against you and/or the property as a lien. Each day a violation continues constitutes a new and separate offense.

If you need further clarification or require additional assistance or information to correct the violation(s), please contact the Code Enforcement officer listed below. Officers are available via telephone between 7:30am and 9:00am or 4:00pm and 5:00pm, Monday through Friday. An appointment is recommended to meet directly with an officer. For your convenience, you may also communicate with the officer via e-mail, using the e-mail address listed below the signature line.

Thank you for your cooperation and prompt attention to this matter.

Sincerely,



Tim Flanagan #1005
Code Enforcement Officer
TFlanagan@surfcity-hb.org
714-374-5393

xc:

Rick Niswonger, Principal, Brethren Christian School
Kathy Kessler, District Superintendent, Huntington Beach City School District

(brethren christian school)

ATTACHMENT NO. 2.2



DATE	TIME	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	DAY OF WEEK	ISSUING DEPT.
11-09-09	305		Monday	Planning
NAME (FIRST, MIDDLE, LAST)				
Robert E. Ransom dbq Brethren Christian School				
MAILING ADDRESS				
21141 Strathmoor Lane				
CITY	STATE	ZIP CODE		
Huntington Beach	CA	92646		
DRIVER LIC. NO.	STATE	BIRTH DATE (mm/dd/yyyy)		
PHONE #				
(714) 962-6614				
CELL/OTHER PHONE #				
()				
ADDRESS OF VIOLATION(S) (if different from mailing address):				

ANY VIOLATION OF HBMC TITLE 5, 17, AND ZSO ALL OTHER HBMC VIOLATIONS	1 ST OFFENSE \$250 \$100	2 ND OFFENSE \$500 \$200	3 RD OFFENSE \$1,000 \$500
HB CODE SECTION (S)	FINE (CIRCLE AMOUNT)		
HBMC 17.10.050(C)	\$100	\$200	\$500
Nuisance Designated	\$100	\$200	\$500
HBMC ZSO 249.02 Permits, Licenses, Certificates and approvals	\$100	\$200	\$500
TOTAL FINE AMOUNT:			\$ 500.00

☐ BUILDING VIOLATION: IF THIS BOX IS CHECKED, YOU ARE ORDERED TO CORRECT THE BUILDING VIOLATION WITHIN 30 DAYS. YOUR CORRECTION ENDS ON _____ YOU MAY REQUEST AN EXTENSION OF THE PERIOD. (SEE REVERSE SIDE.) IF CORRECTION IS NOT COMPLETED WITHIN THE 30 DAYS, YOU MAY BE CITED AND FINED FOR ADDITIONAL VIOLATIONS FOR EACH DAY THE VIOLATION CONTINUES.

☐ NOTICE OF NONCORRECTION OF BUILDING VIOLATION: IF THIS BOX IS CHECKED, YOU HAVE FAILED TO CORRECT A BUILDING VIOLATION WITHIN THE 30-DAY CORRECTION PERIOD AND YOU ARE ORDERED TO PAY THE FINE.

PRIOR CITATIONS FOR SAME VIOLATION: NOV ISSUED 10-27-09

VIOLATION NOTICE BY: ☐ PERSONAL SERVICE ☐ CERTIFIED MAIL ☐ PROPERTY POSTED

☐ PERSON CITED REFUSED TO SIGN RECEIPT FOR CITATION.

☐ VIOLATION(S) NOT COMMITTED IN MY PRESENCE, DECLARED ON INFORMATION AND BELIEF. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Without Admitting Guilt, I Acknowledge Having Received This Citation


Issuing Officer J. Langston ID # 1005 Dept. Plan 4

X 5078197

HBMC Chapter 1.18 requires that you pay the fine amount within 30 calendar days from this date in the upper left-hand corner by mailing or delivering payment along with a copy of this citation to City of Huntington Beach, Attn: Civil Citations, PO Box 711, 2000 Main St., Huntington Beach, CA 92648-0711. Do Not Mail Cash. Be sure to include the citation # on the face of your check or money order. You may contest this citation by following procedures on the reverse side of this citation. Failure to request a hearing within 30 calendar days from the date in the upper left-hand corner constitutes a waiver of all your rights to dispute this violation.

PLEASE SEE THE REVERSE SIDE FOR ADDITIONAL INFORMATION.

COPY

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <div style="border: 1px solid black; padding: 2px; display: inline-block;">X </div> <div style="float: right; text-align: right;"> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee </div> </p> <p>B. Received by (Printed Name) <div style="border: 1px solid black; padding: 2px; display: inline-block;">J. Nelson</div> <div style="float: right; text-align: right;">C. Date of Delivery</div> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No </p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; margin-top: 10px;">Robert Ronson Brethren Christian School 21141 Strathmore Lane Huntington Beach, CA 92646</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p>
<p>2. Article Number</p> <p style="margin-top: 10px;">(Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

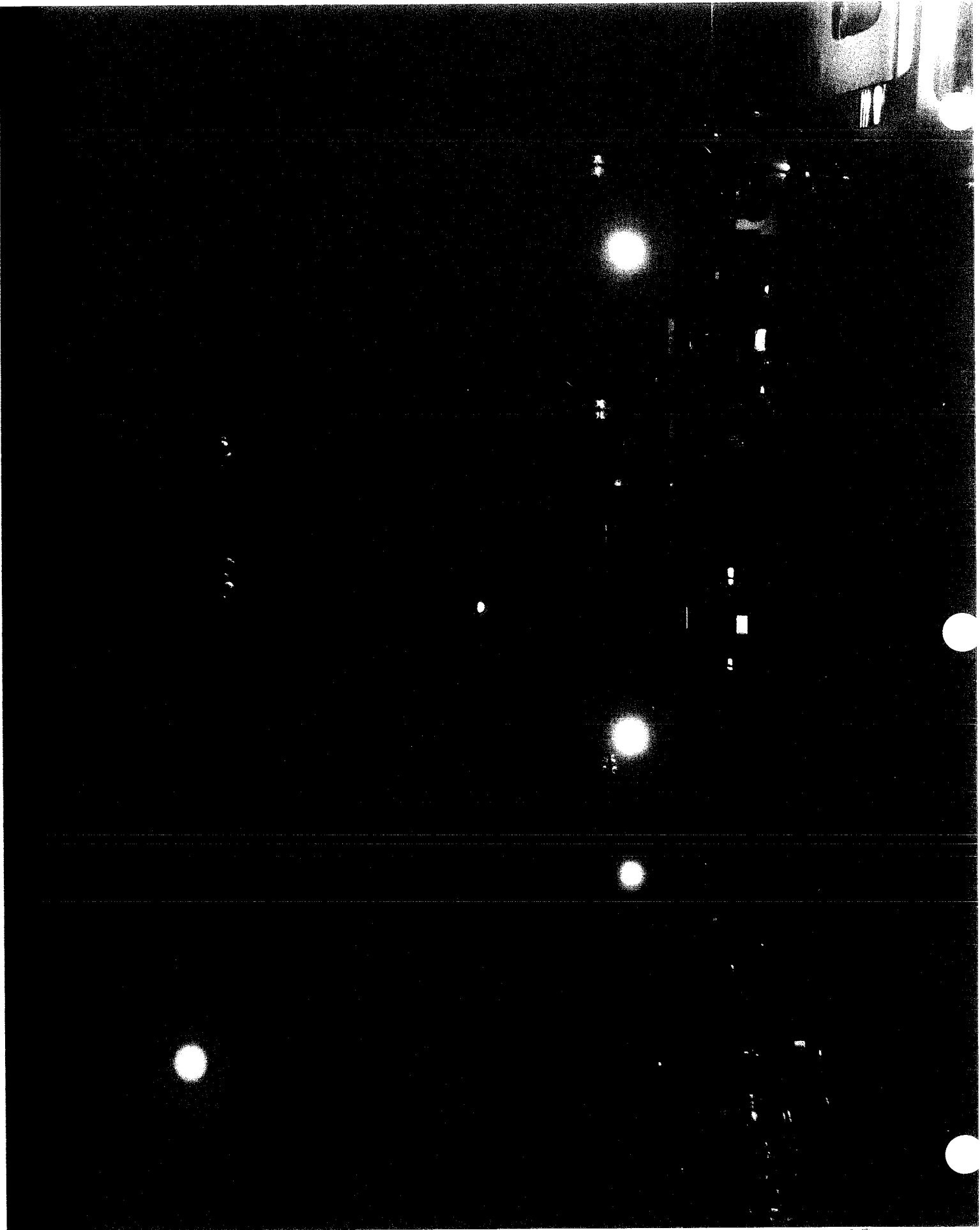
7009 0820 0001 7175 2063

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

ATTACHMENT NO. 3



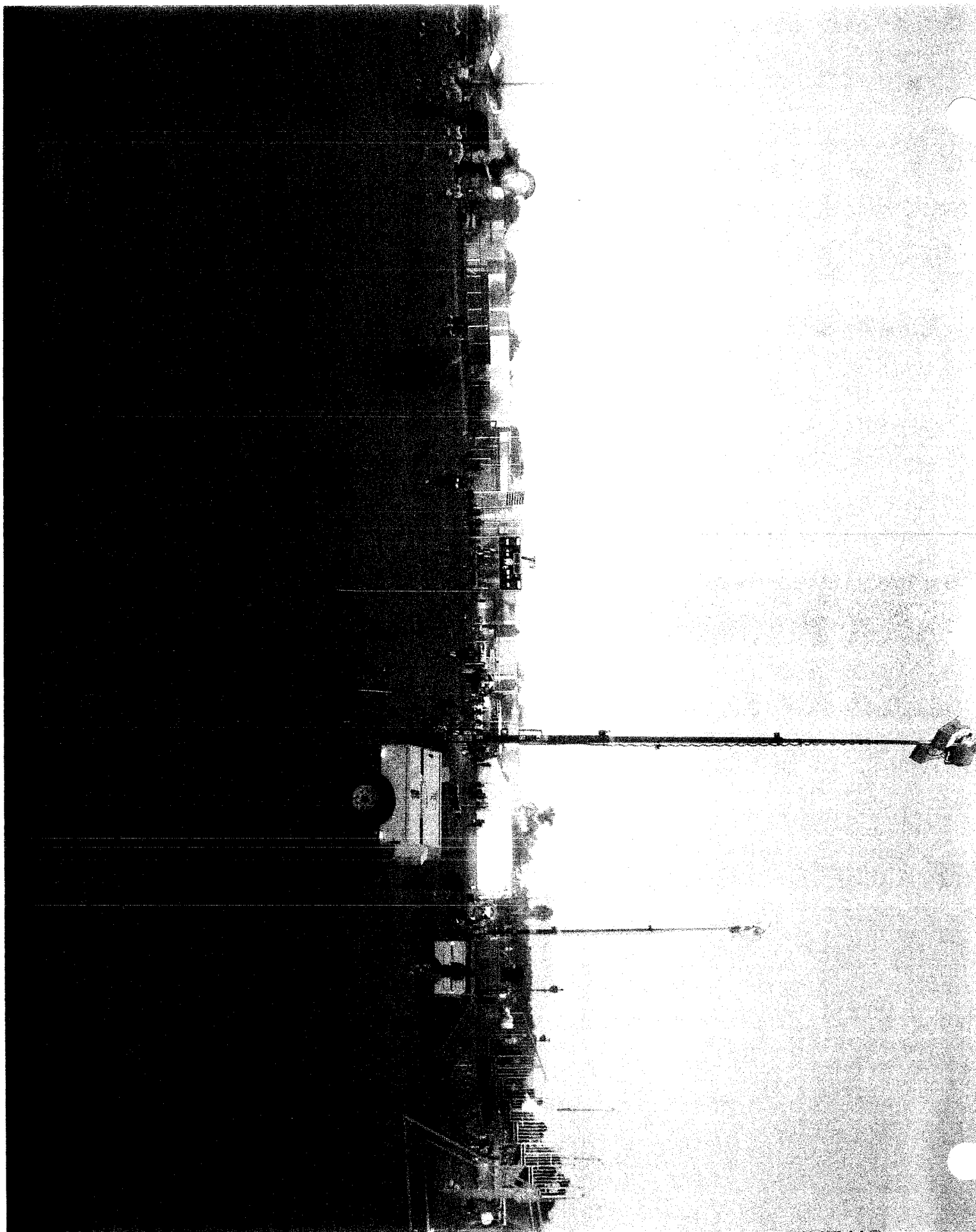
10/09/09

ATTACHMENT NO. 4.1



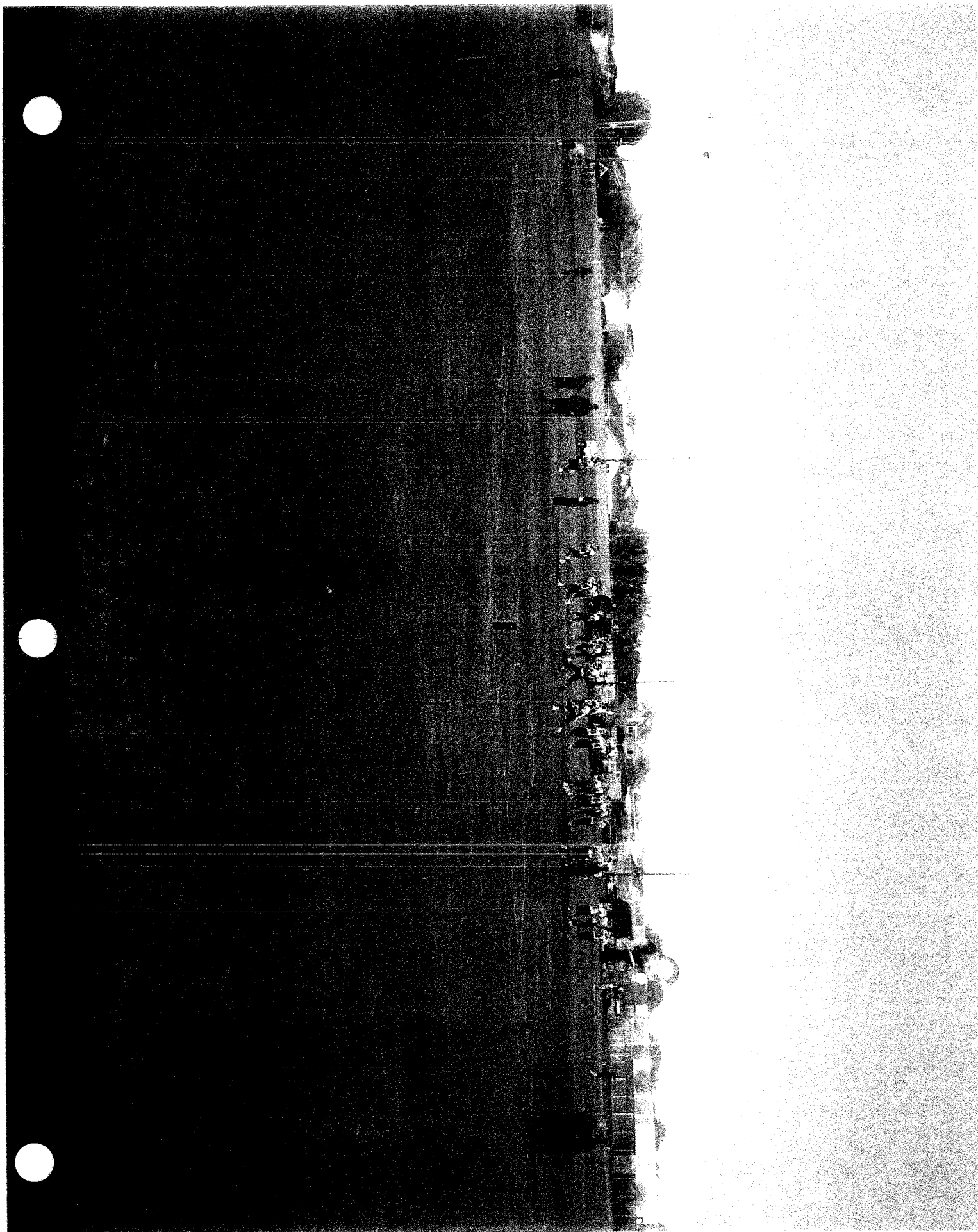
10/09/09

ATTACHMENT NO. 4.2



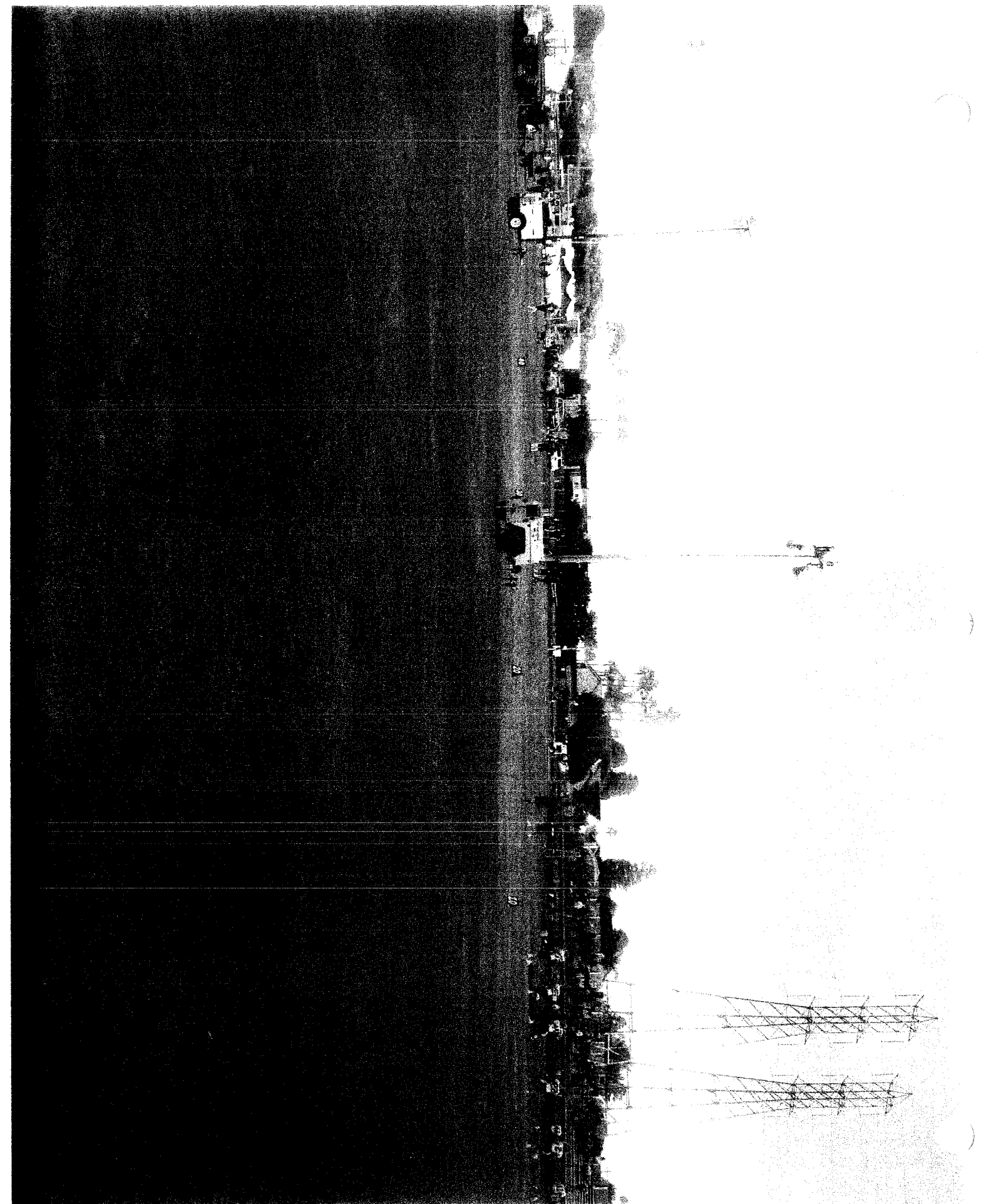
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10/23/09

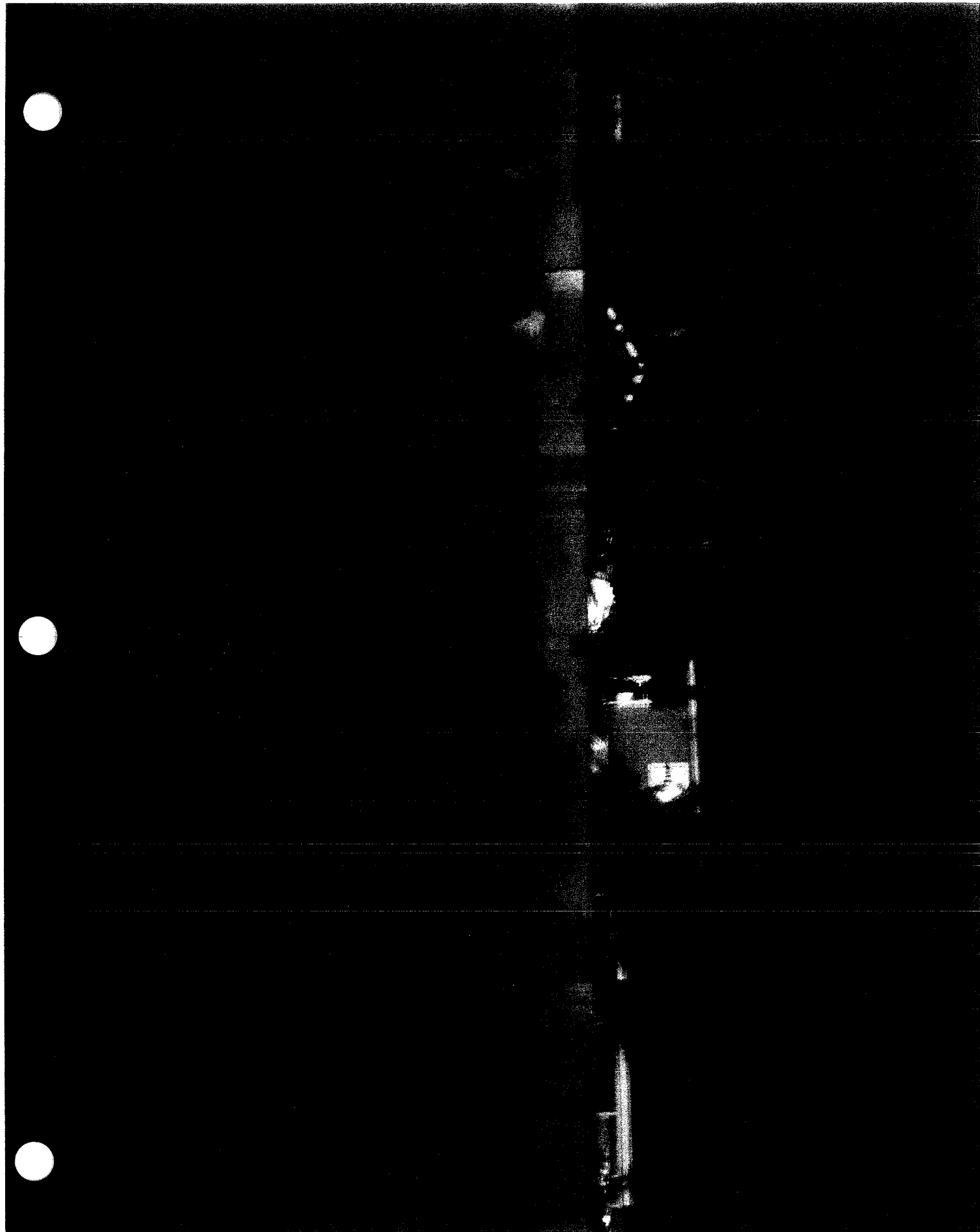


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10/23/09

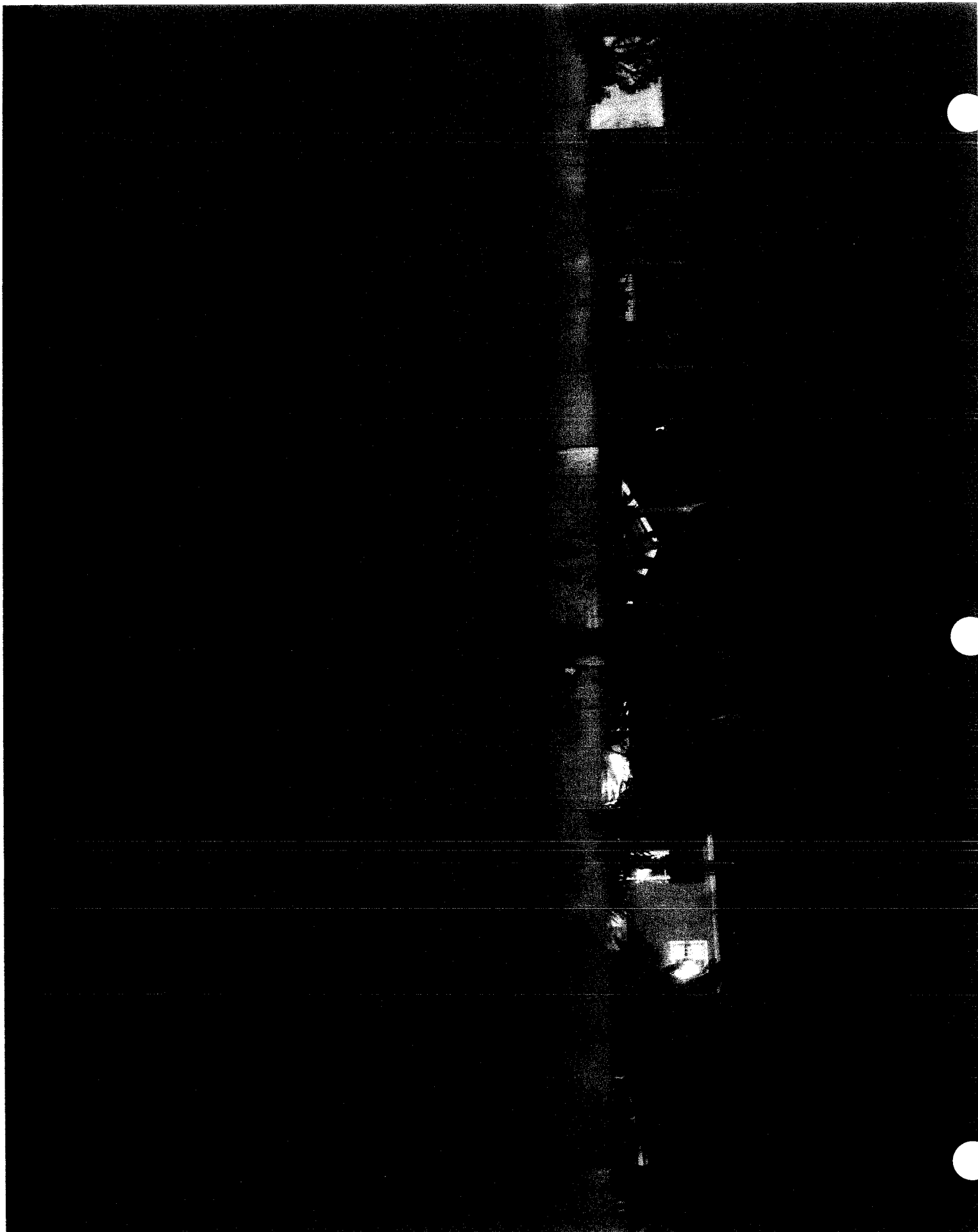


10/23/09



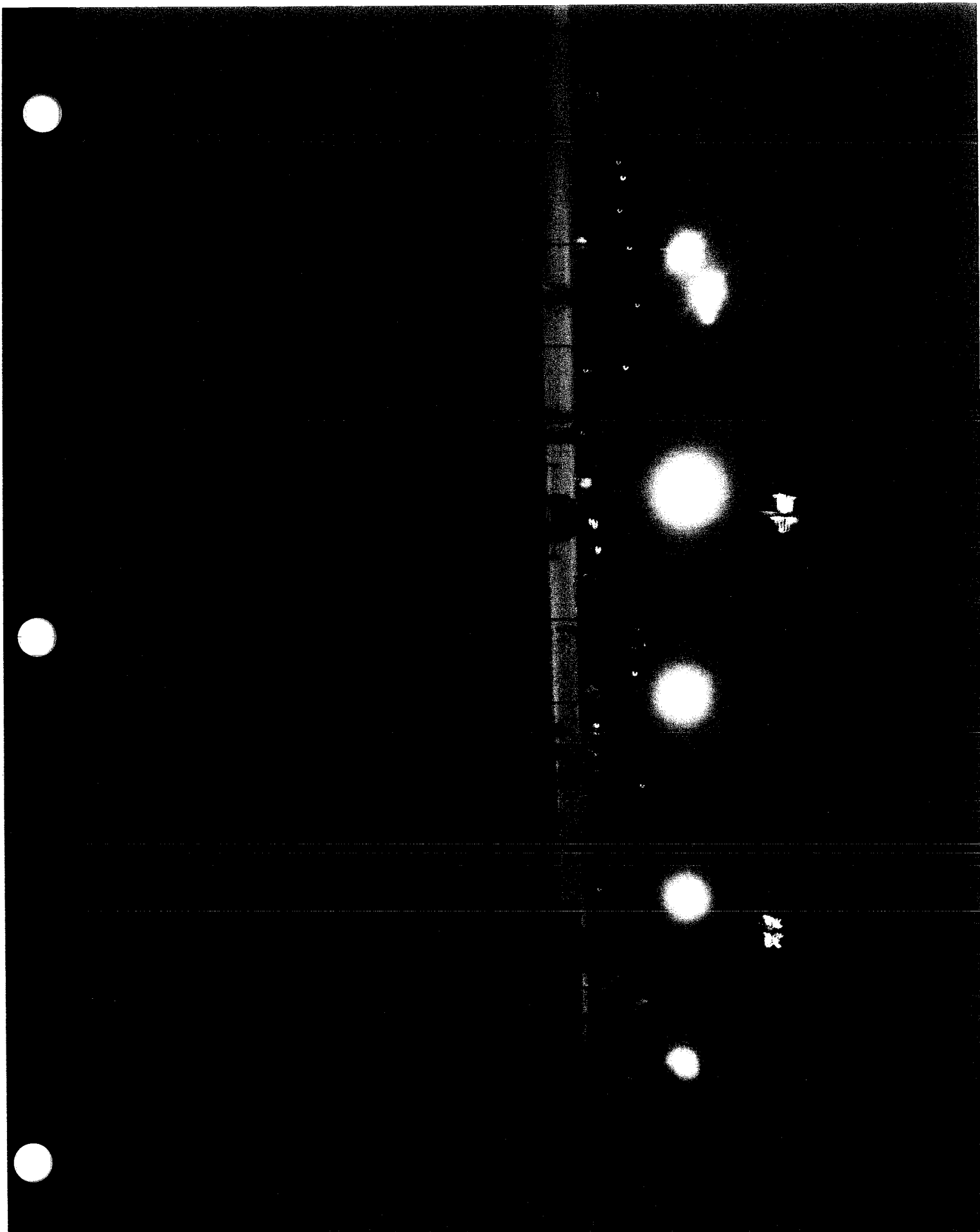
10/23/09

ATTACHMENT NO. 4.6



10/23/09

ATTACHMENT NO. 4-7



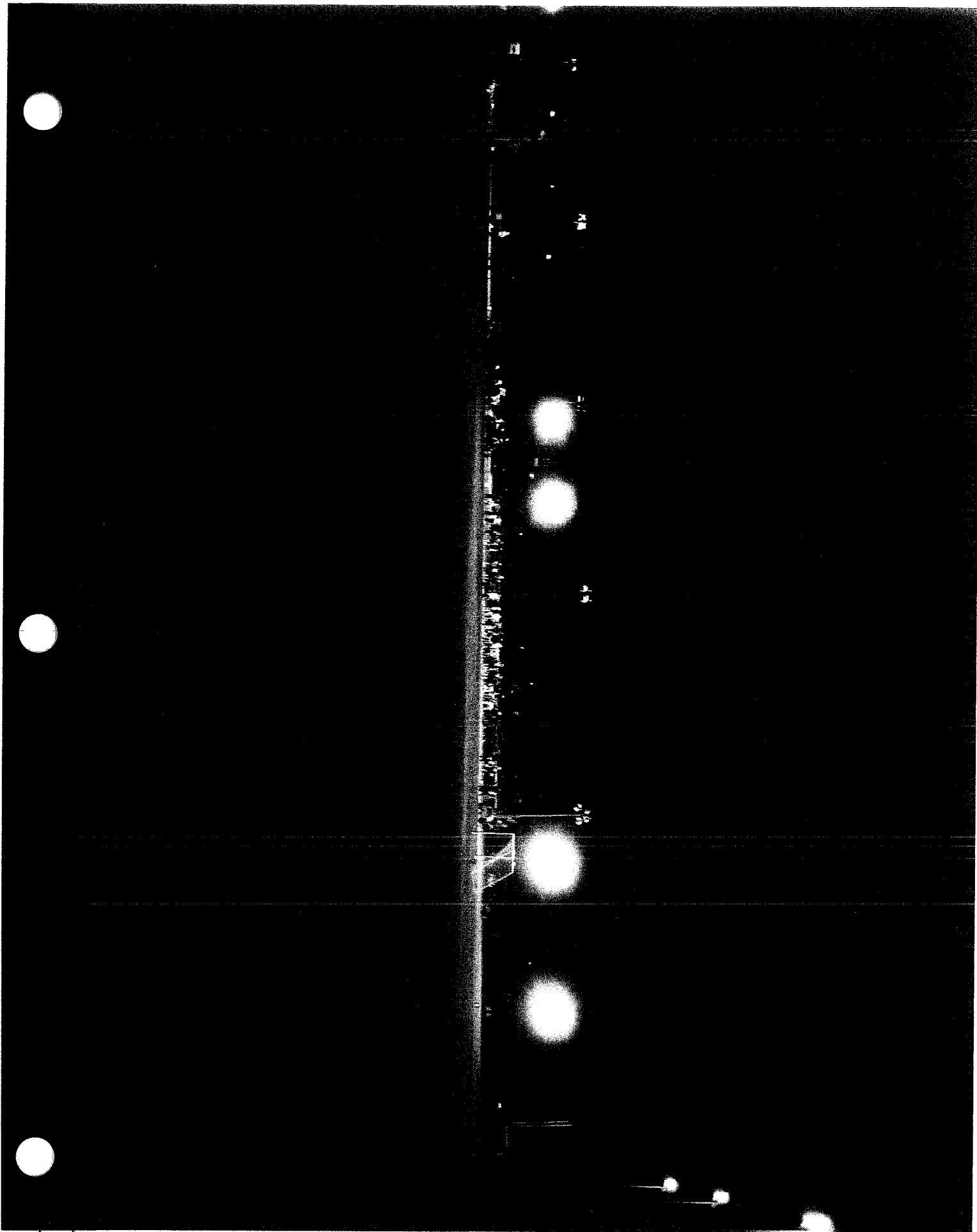
10/23/09

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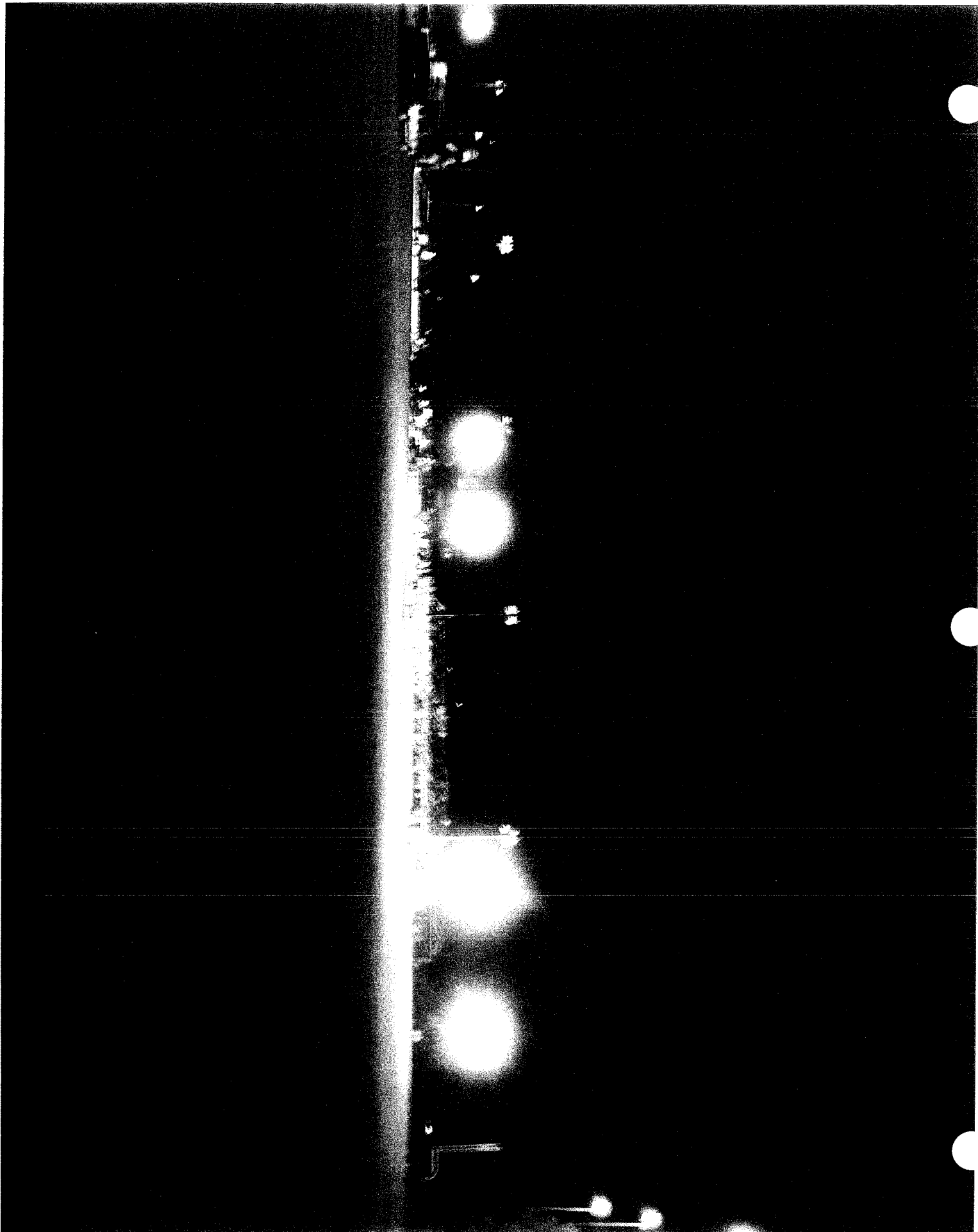
10/23/09

ATTACHMENT NO 4.9



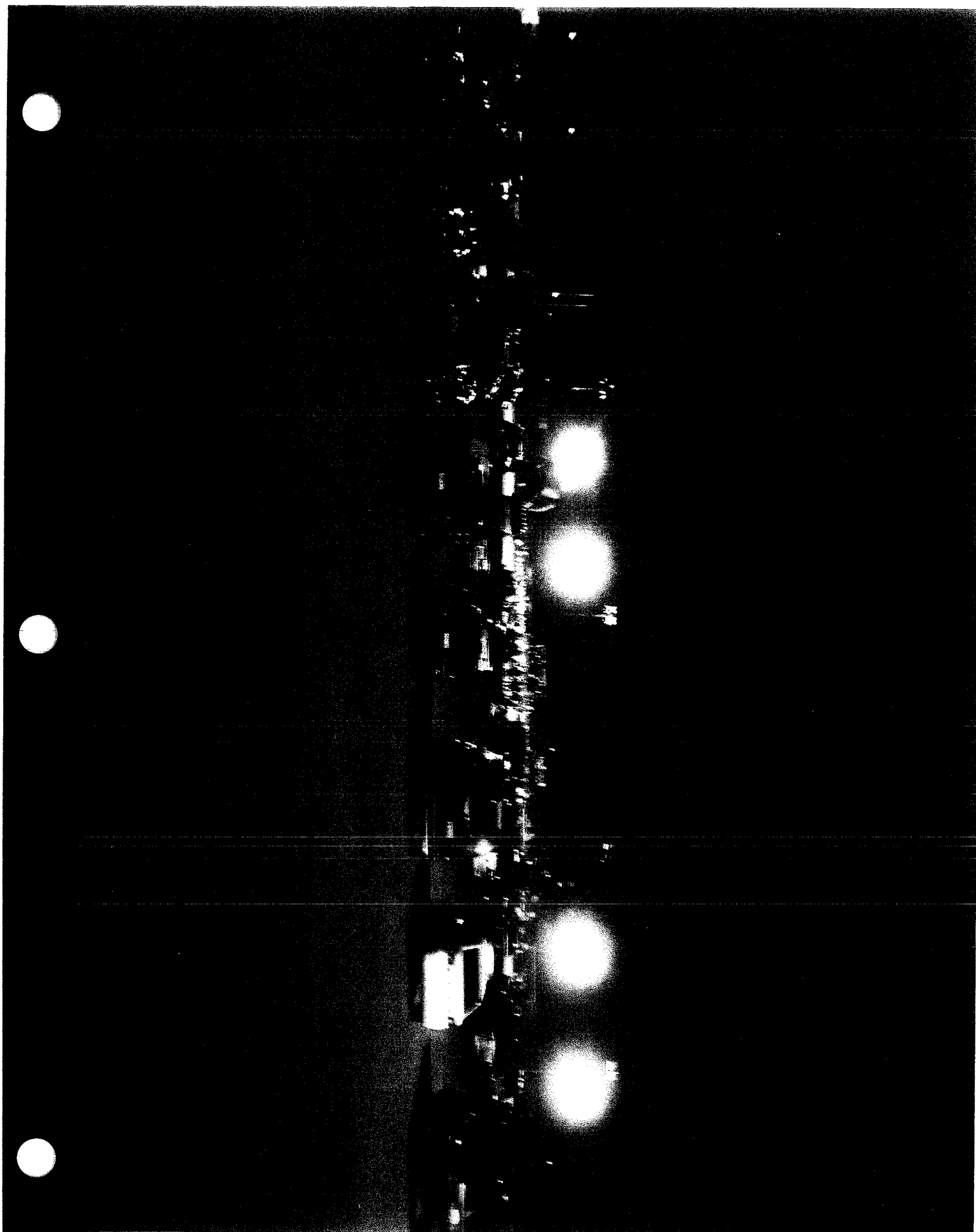
10/23/09

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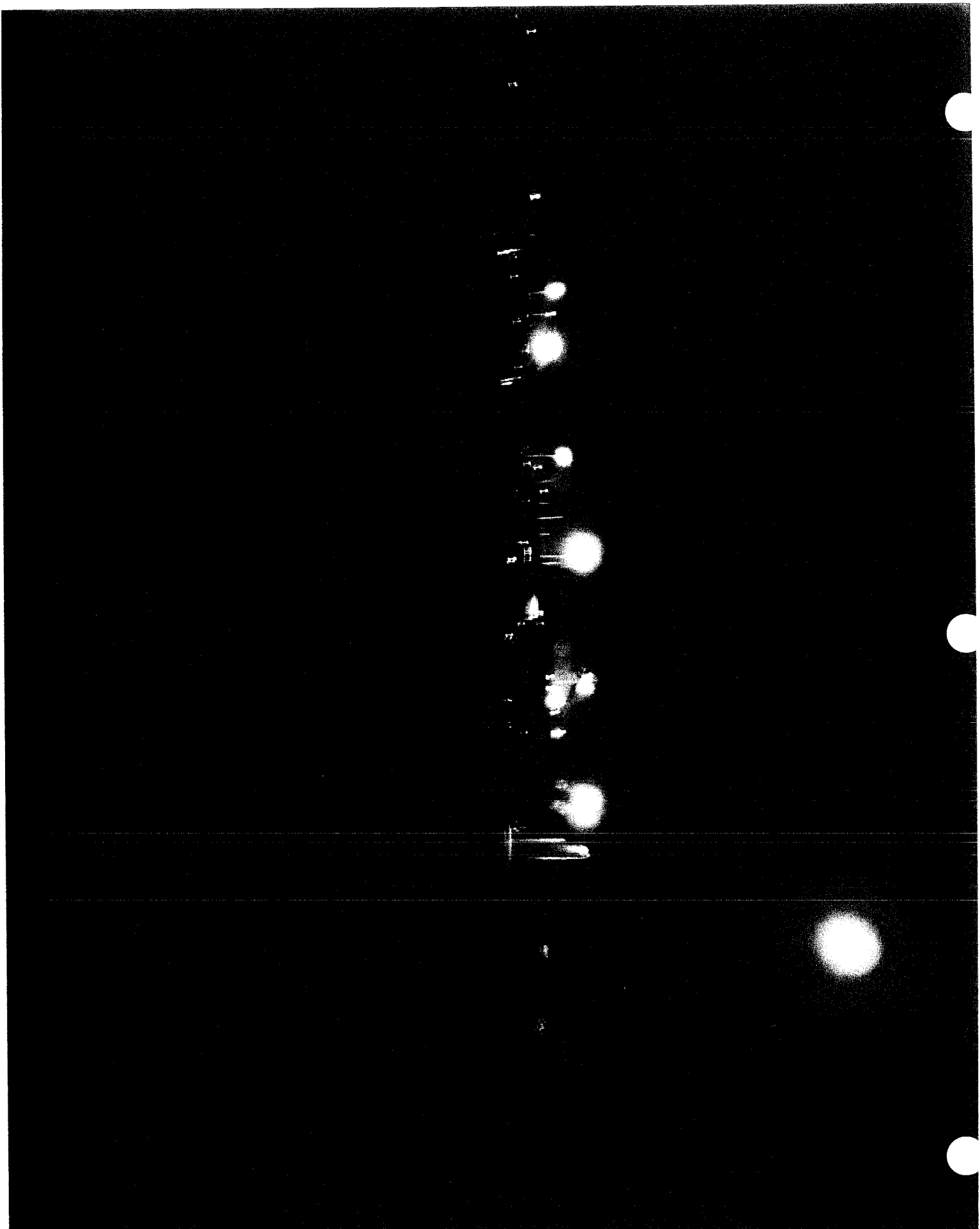
10/23/09

ATTACHMENT NO. 4.11



10/23/09

ATTACHMENT NO. 4.12



10/23/09

ATTACHMENT NO. 4.13

10/23/09

ATTACHMENT NO. 4.14



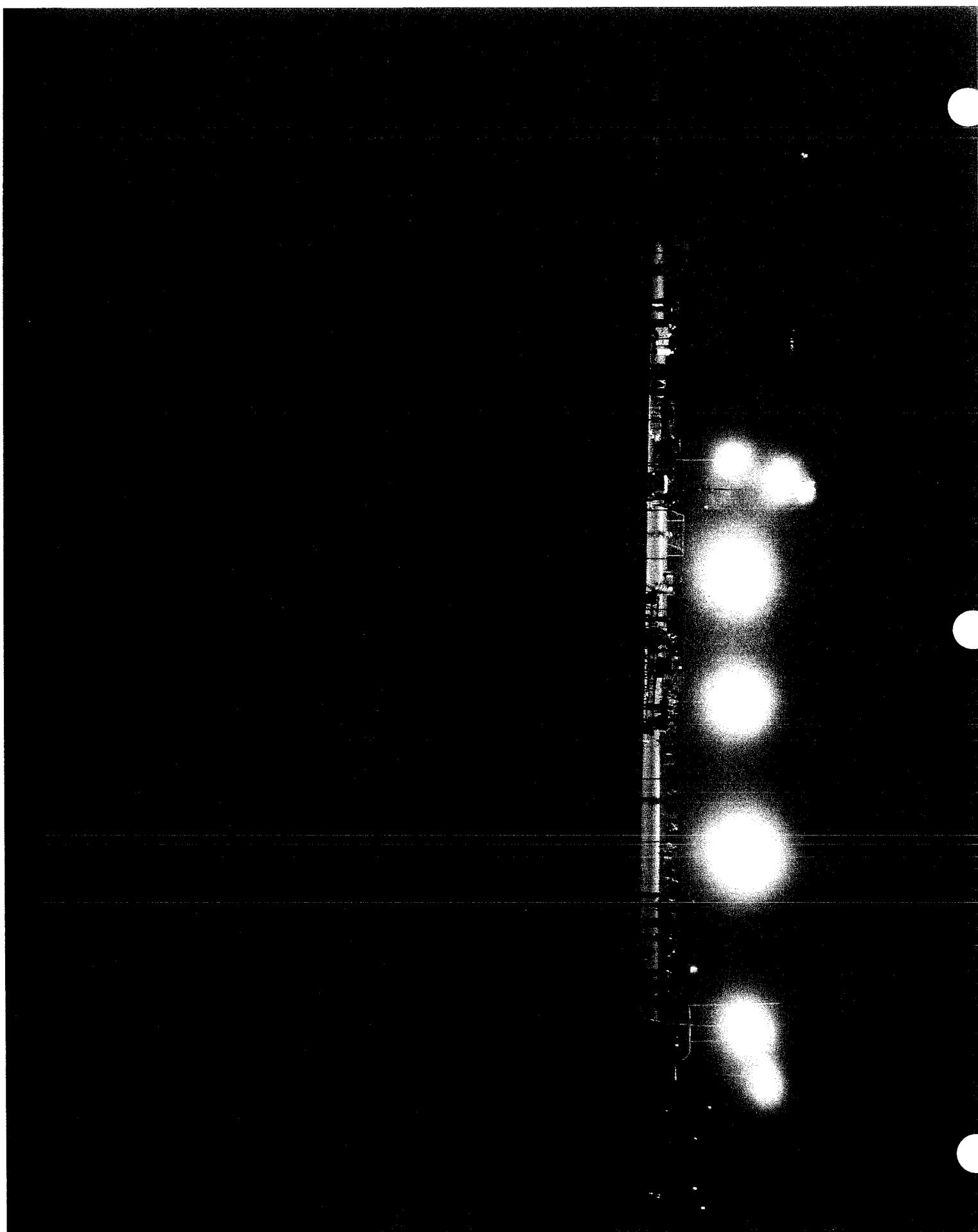
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ATTACHMENT NO. 4.15



10/23/09

ATTACHMENT NO. 4.16



10/23/09

ATTACHMENT NO. 4-17

10/23/09

ATTACHMENT NO. 4.18

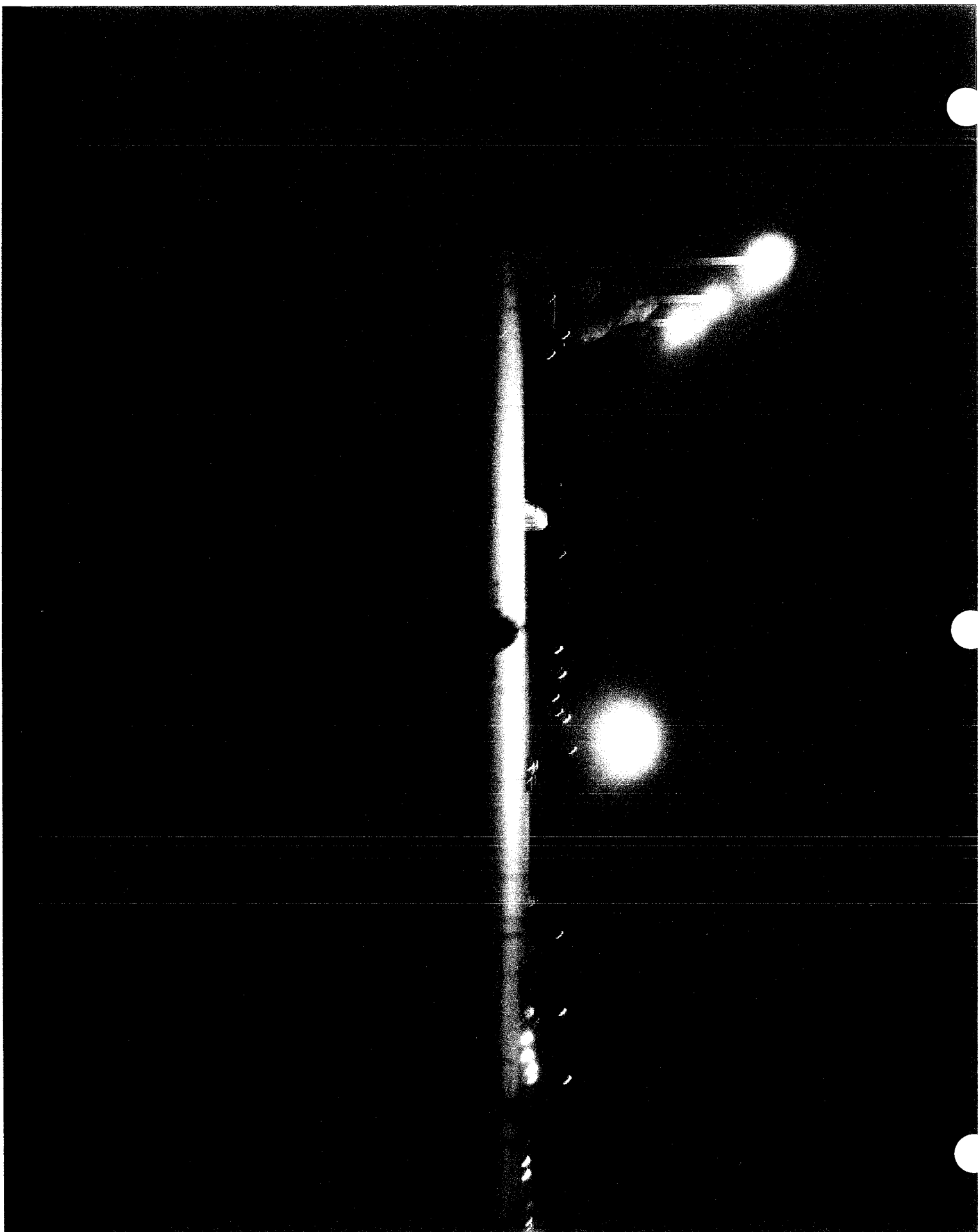


10/23/09

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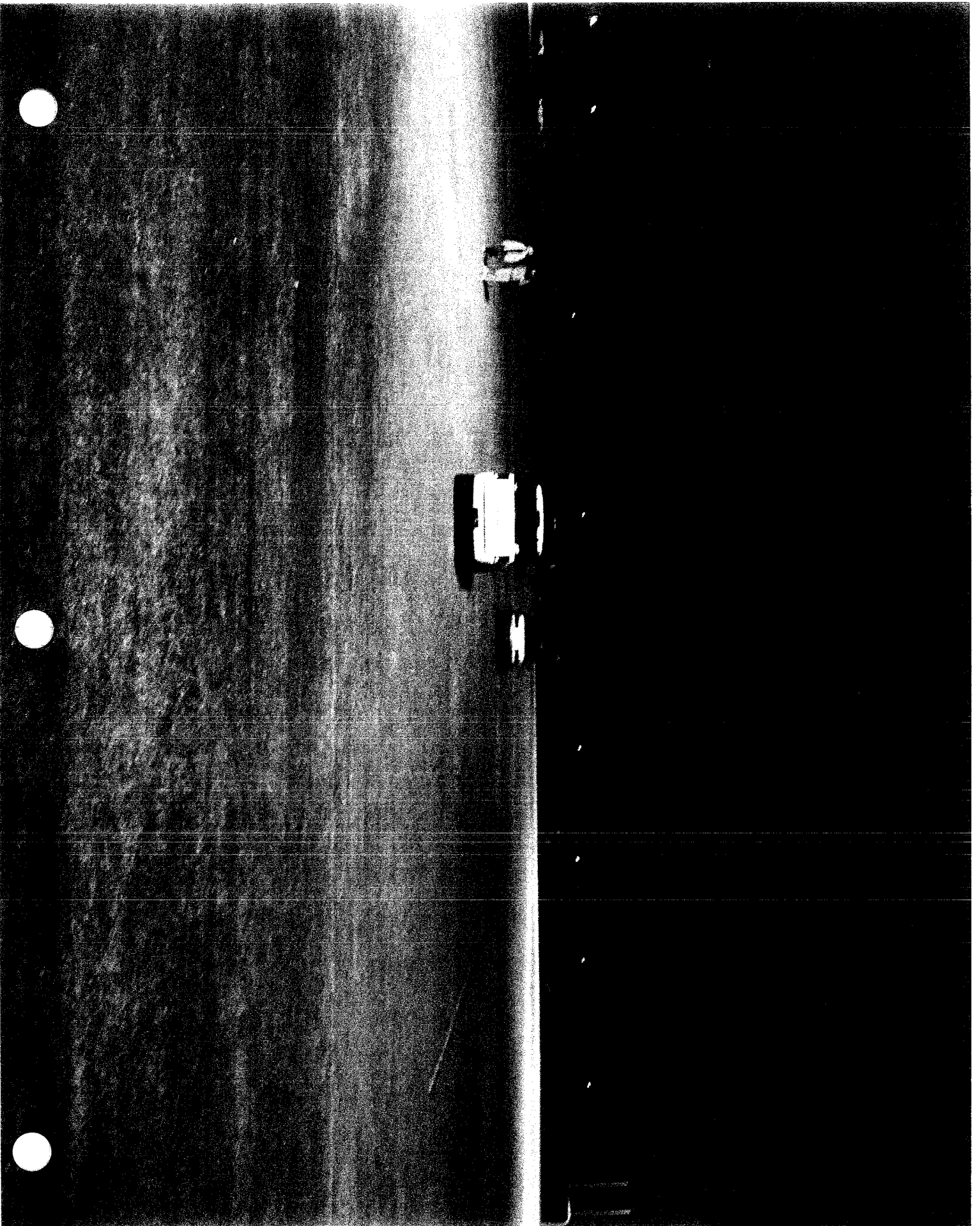
10/23/09

ATTACHMENT NO. 4.20



10/23/09

ATTACHMENT NO. 4.21



10/23/09

ATTACHMENT NO. 4.22



10/23/09

ATTACHMENT NO. 4.23



11/6/09

ATTACHMENT NO. 4.24



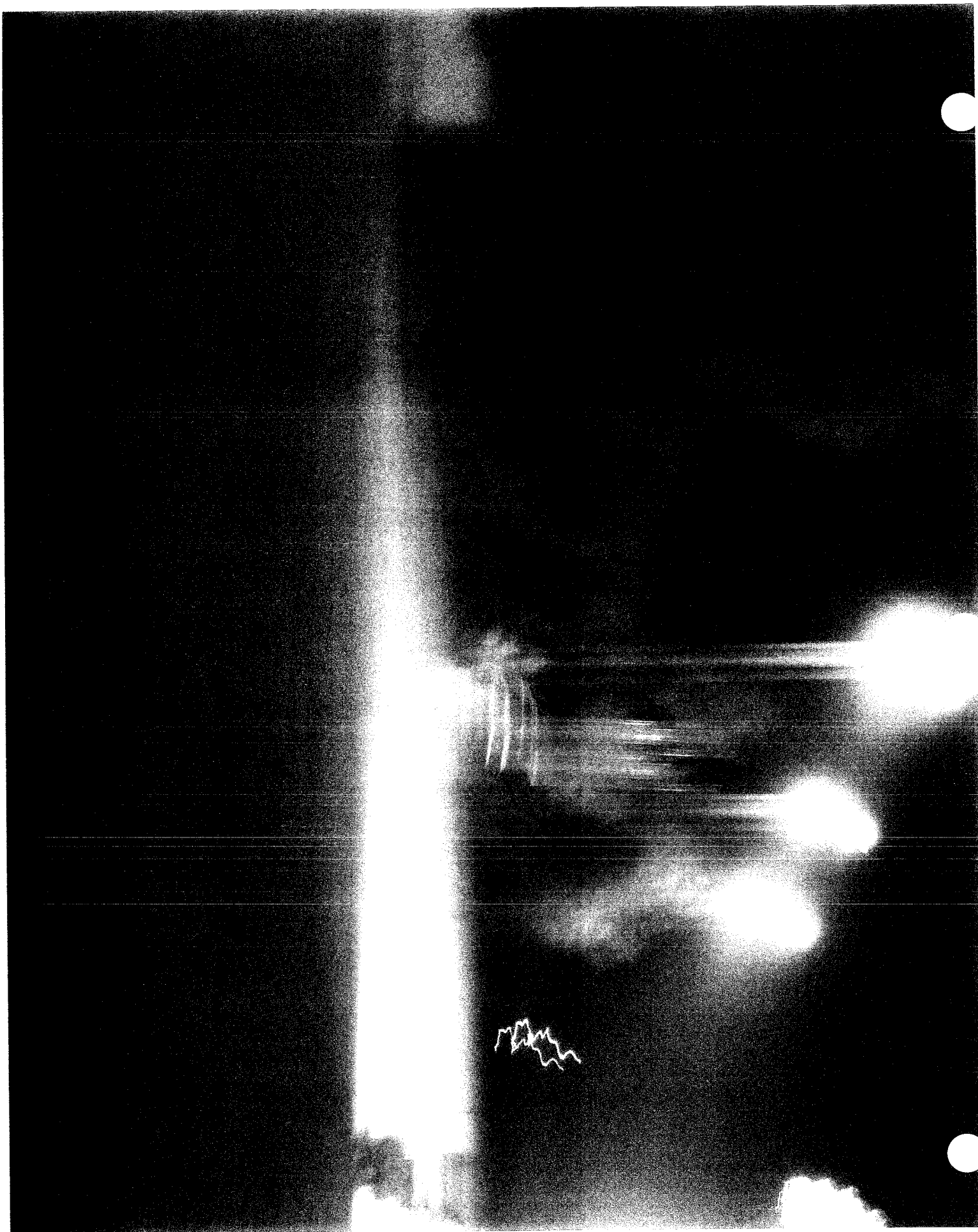
11/06/09

ATTACHMENT NO. 4.25



11/06/09

ATTACHMENT NO. 4-26

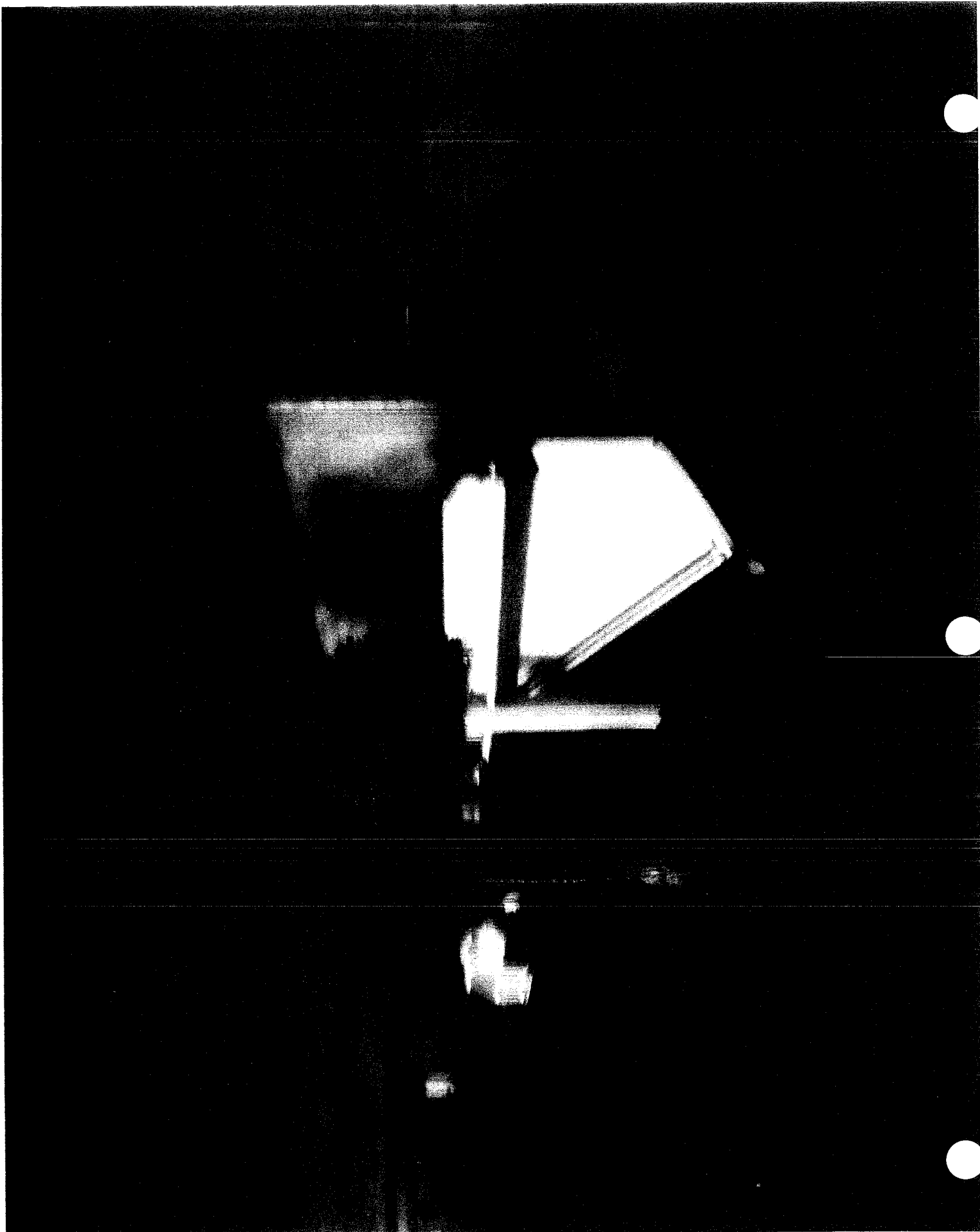


11/06/09

ATTACHMENT NO. 427

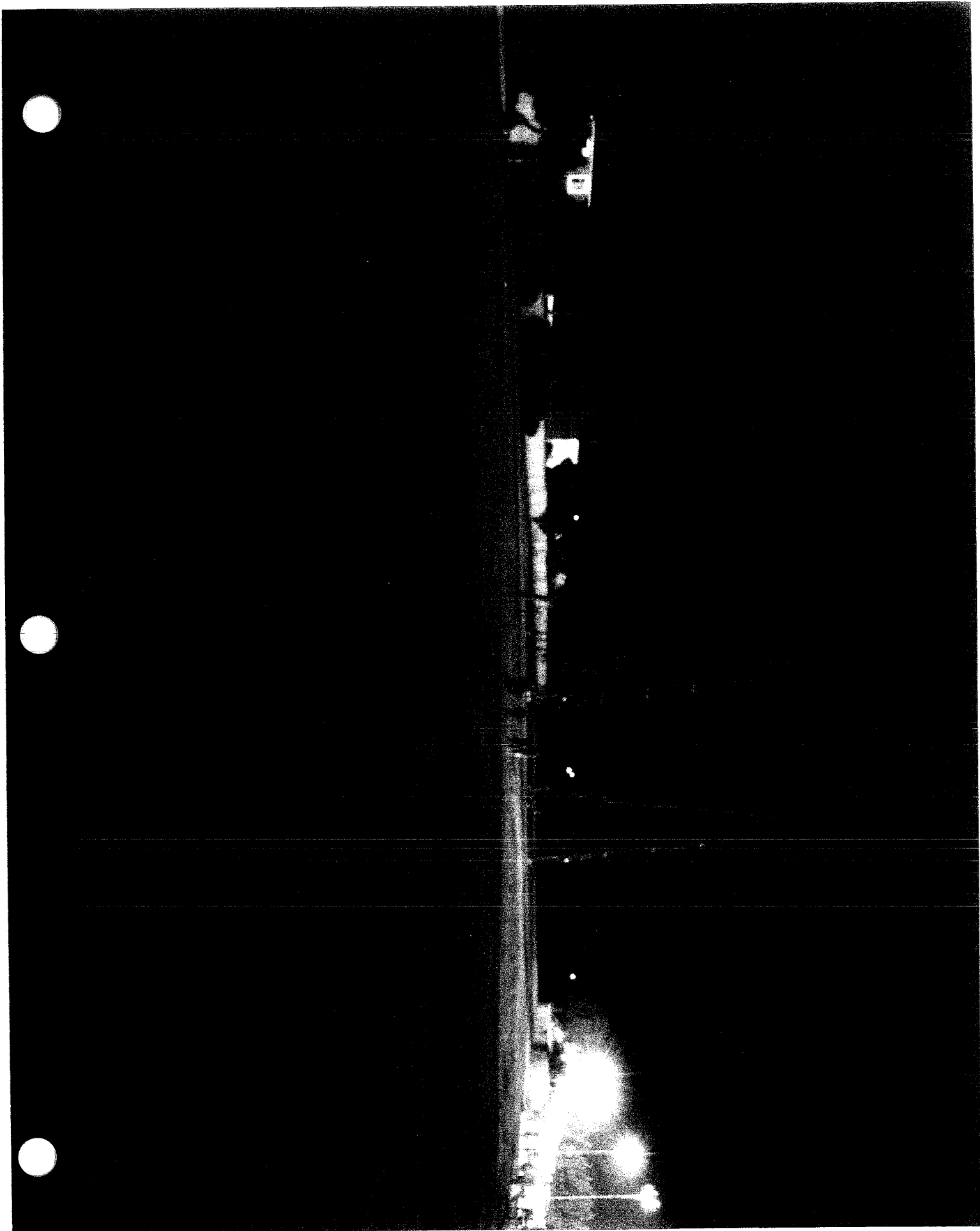
11/06/09

ATC. WMENT NO. 4.28



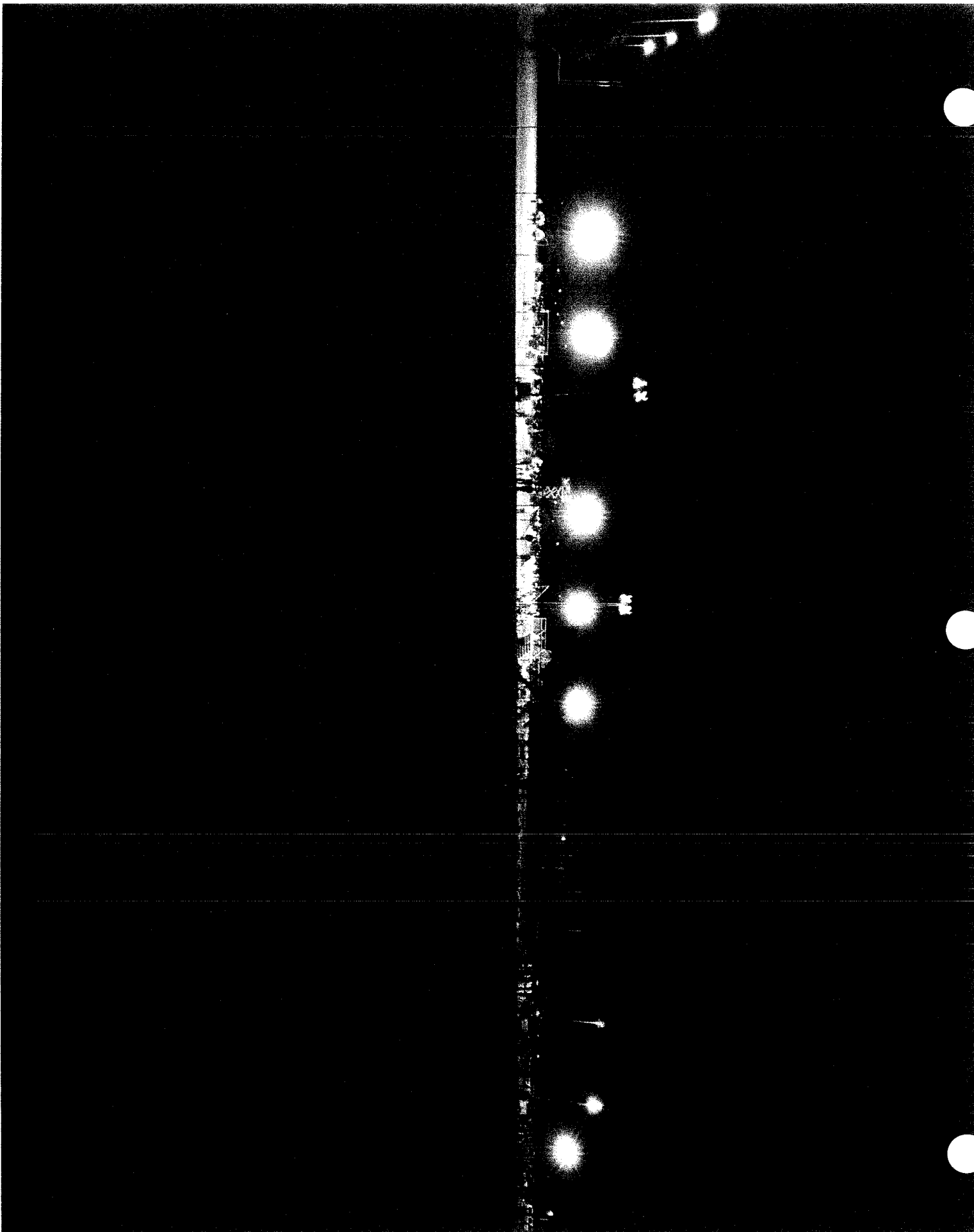
11/06/09

ATTACHMENT NO. 4.29



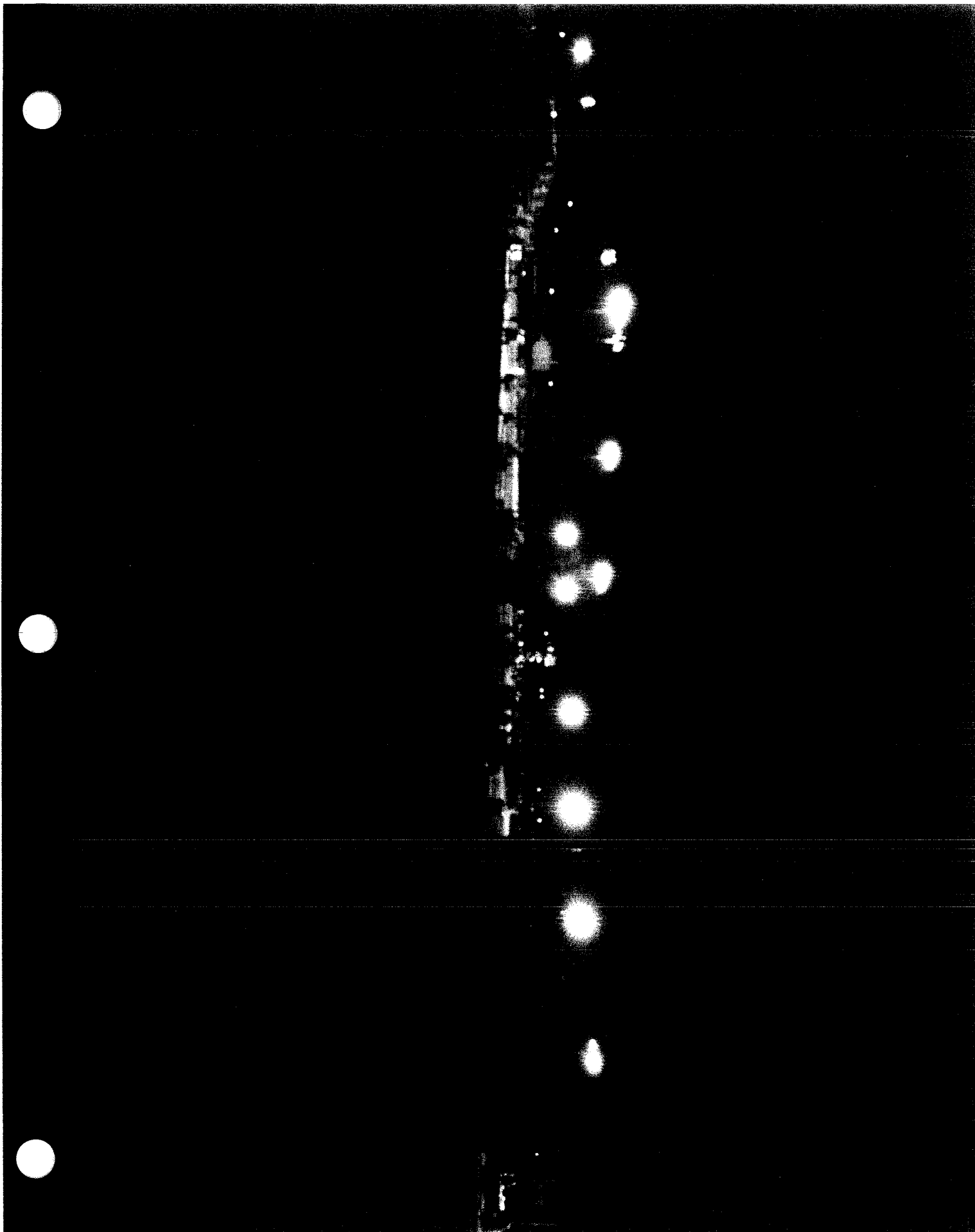
11/13/09

ATTACHMENT NO 4.30



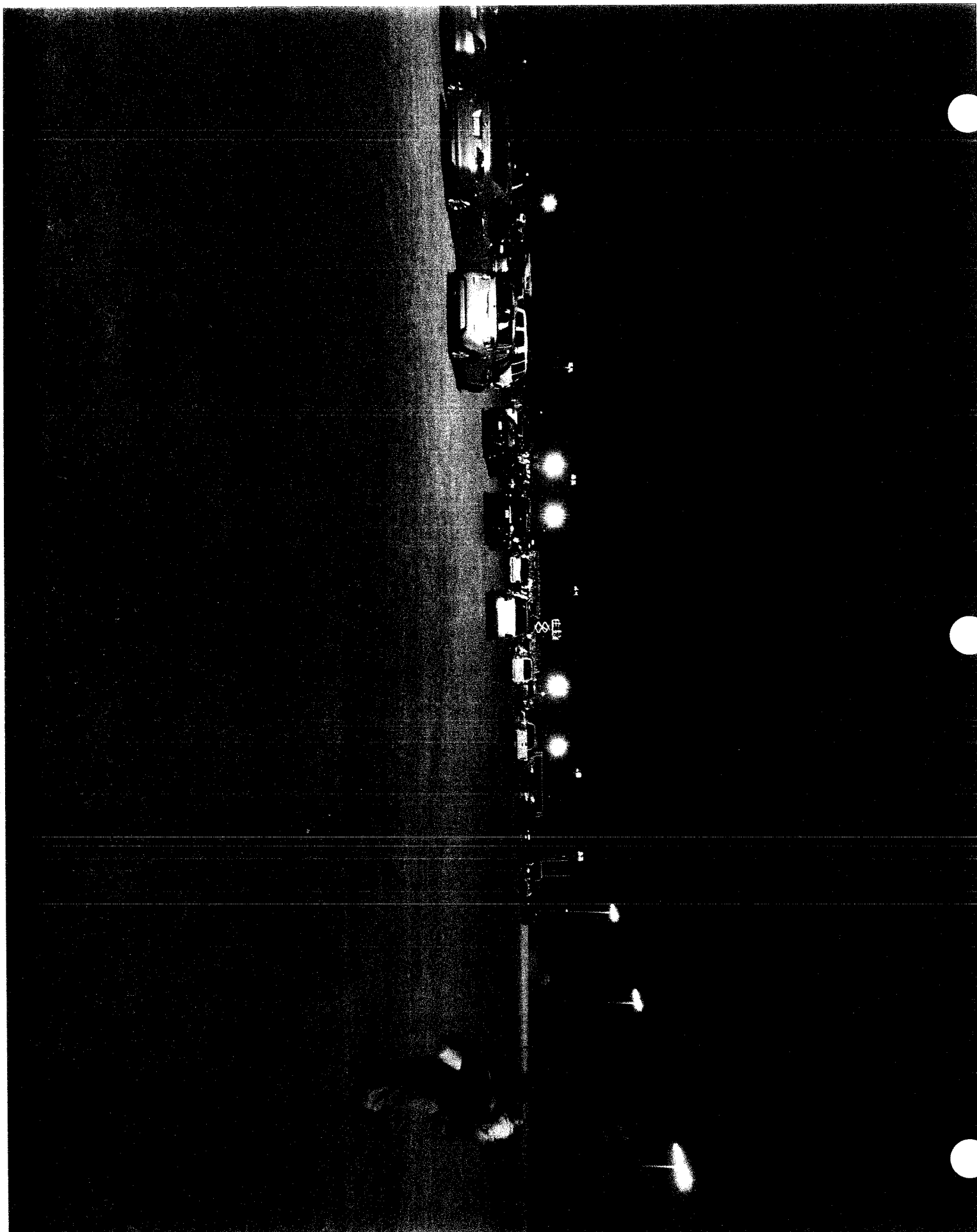
11/13/09

ATTACHMENT 4.31



11/13/09

ATTACHMENT NO 4.32



11/13/09

ATTACHMENT 11 4.33

11/13/09

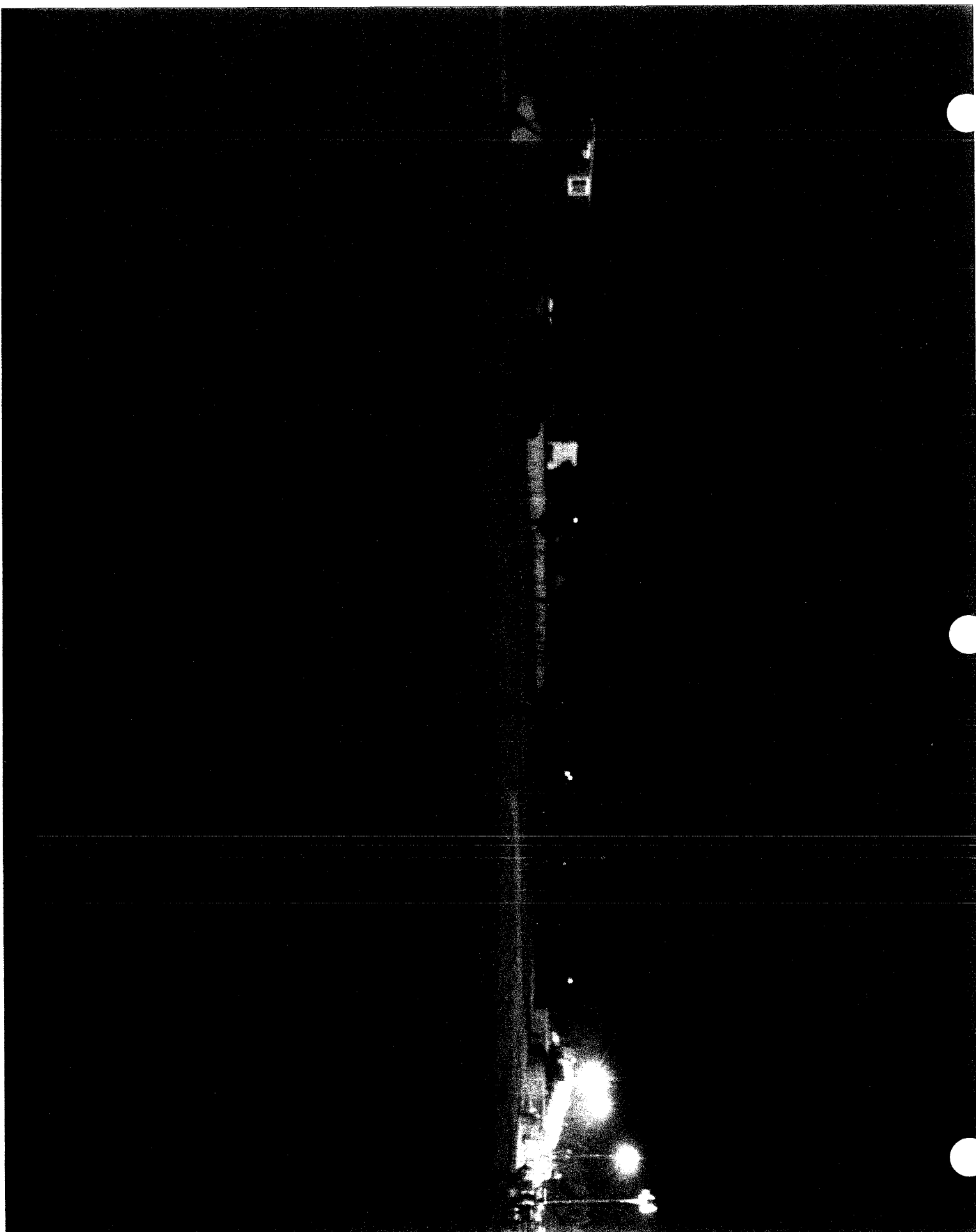
ATTN: LIAISON NO. 4-34

11/13/09

ATTACHMENT NO. 4-35

11/03/09

ATTACHMENT NO. 4-36



11/13/09

ATTACHMENT NO. 4.37

From: Fauland, Herb
Sent: Friday, November 06, 2009 3:34 PM
To: Kevin Coleman
Cc: Christine Noble; Fuentes, Mike; Flanagan, Tim; Massi, Rich; Hess, Scott; Hall, Bob; Field, Scott
Subject: Letter from Kevin Coleman - Brethren Christian School

Kevin,

Thank you for meeting with us yesterday to discuss the entitlement issues as well as the Notice of Violation (NOV) dated October 27, 2009.

Scott Hess asked me to review and respond to your letter dated November 5, 2009 sent via email. In addition, we have reviewed the email dated October 28, 2009 (from Rick Niswonger re: Notice of Violation – Lights.pdf) with your notes addressed to Tim Flanagan and signed by you dated received by the Planning Department on November 5, 2009.

I discussed the issues with Mr. Hess and reviewed the letter and email/notes. After careful consideration, a review of the entitlement file and the NOV, the City's position on the issue of enforcement as outlined in the NOV has not changed. If violations are observed concerning the Conditional Use Permit (No. 08-052/MD #08-018, etc.) Declaration (No. 08-018) regarding light spillage, glare, or the number of portable lights (4), the City will enforce the NOV and issue a Civil Citation (Please note there is an appeal process for the Civil Citation and Mr. Flanagan can provide you the information on that matter). As noted in the NOV, failure to abate the violations or demonstrate compliance with the applicable entitlements may result in the scheduling of a revocation hearing of the CUP/ND before the Planning Commission.

I'd like to reiterate the process to amend your entitlements to permit the adequate number of lights for the school's football field. This was discussed with you at the meeting on November 5, 2009. In addition, we have discussed the possibility of amending the recently approved, as well as the past approvals, to permit all the desired activities and improvements at the school. To amend the approved entitlements (CUP #08-052/MD #08-018, etc.) will require an Entitlement Plan Amendment (EPA: fee \$3,914) application and environmental assessment (EA: fee \$8,552 plus MND: fee \$2,576) application for CEQA analysis and review by the Planning Commission at a noticed public hearing. The estimated processing timeline is 6-8 months.

The City would like to continue to work with you in abating the violations as well as resolving the entitlement issues. If you have any questions you may give me a call.

Herb Fauland, Planning Manager
City of Huntington Beach - Planning Department
2000 Main Street
Huntington Beach, CA 92648
Office - 714.536.5438
Fax - 714.374.1540
hfauland@surfcity-hb.org

ATTACHMENT NO. 5

11/9/2009

Kelley, Jason

From: Talleh, Rami

Sent: Wednesday, October 07, 2009 2:14 PM

To: Kelley, Jason; miswonger@bchs.net

Cc: Fuentes, Mike

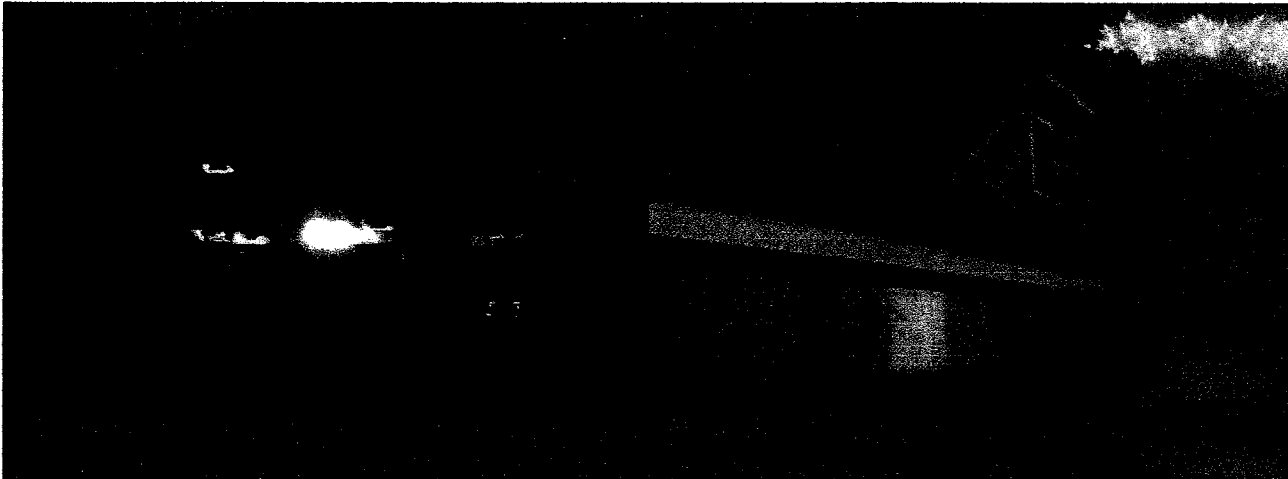
Subject: FW: Complaint regarding light spillage into neighborhood street from Brethren Christian High school. Violation of conditional use permit #08-052.

Kevin/Rick:

Hope all is well. We've received complaints regarding glare from the football field lights onto residential neighbors. This issue was brought up to the City by three neighbors at last night's City Council Meeting. Condition No. 4(h) of your conditional use permit states: "All field lighting shall be oriented so as not to produce glare on adjacent residential properties." Council directed us to contact you in order to resolve this before the next game.

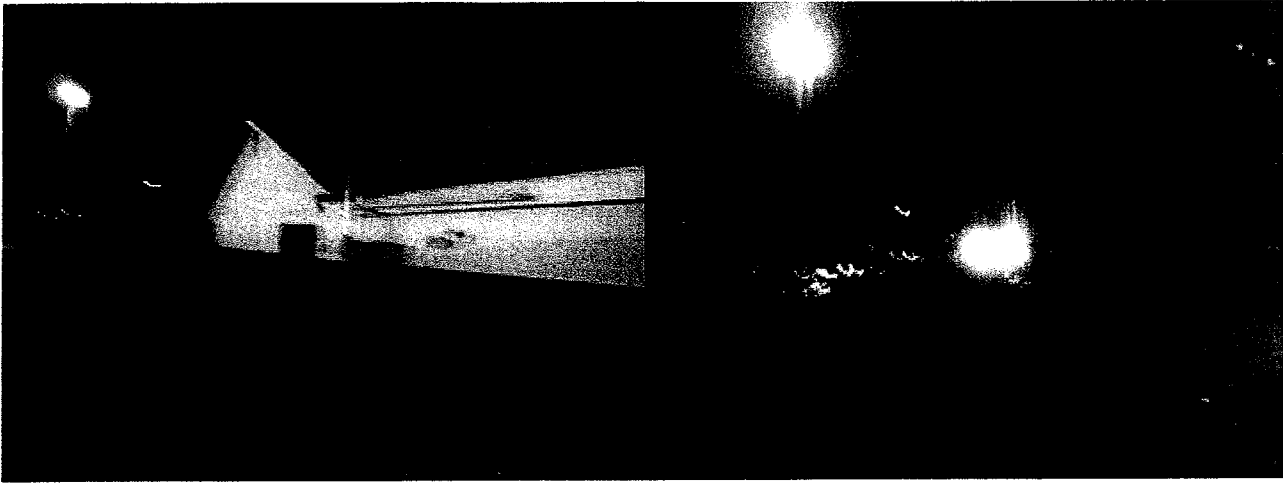
Rami Talleh
Senior Planner
(714) 374-1682

City of Huntington Beach
Planning Department
2000 Main Street
P.O. Box 190
Huntington Beach, CA 92648



ATTACHMENT NO. 6.1

11/10/2009



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ATTACHMENT NO. 6.2

11/10/2009

From: rmjones44@verizon.net [mailto:rmjones44@verizon.net]

Sent: Thursday, October 08, 2009 7:23 PM

To: Engle, Jim; Dominguez, David

Subject: poison's on grass

To Mr. Engle and Mr. Dominguez

We, the neighborhood that surround Brethren Christian, were not given **any notice** of the poison's or chemicals put on the grass at Bluefield and Cocobana Streets. We walk our children, grandchildren and pets and we should have been alerted to the fact that BC was **going** to spray some poison on the grass, so that the grass dies and they can asphalt over for parking. What chemicals were used and should our health be put in jeopardy over their parking lot????

Please keep in mind the health and welfare of our neighborhood is very important to us all.

Maria Jones

9701 Orient Drive

714-962-4960

From: Karen Spencer
To: kbohr@surfcity-hb.org; cgreen@surfcity-hb.org; jcarchio@surfcity-hb.org; gcoerper@surfcity-hb.org; devin.dwyer@surfcity-hb.org; dhansen@surfcity-hb.org; rmassi@surfcity-hb.org
Cc: tcrowther@earthlink.net
Sent: 10/12/2009 6:24:02 PM
Subject: w: pics for City council

Dear Mayor and City Council and Mr. Massi

I live in Villa Pacific. I was walking my dog on Friday, Oct. 9 around 8pm at the park at fronts Blue Reef Drive. I could not believe how much light spilled from the football field onto the park and to Villa Pacific. According to the C.U.P. no light spillage is allowed. Please see the pictures that I have attached. When I observed kids playing 2 separate flag football games on the park grounds, it made me aware of the amount of light coming from the football field. It was then that I returned home to get my camera.

I own 2 properties in this complex, and I am disturbed by the lights and noise that come from these night games. Why can they not be played earlier???

Thankyou for your consideration of this matter.

Karen Noteboom

21392 Via Straits Ln



11/10/2009

ATTACHMENT NO. 6.5



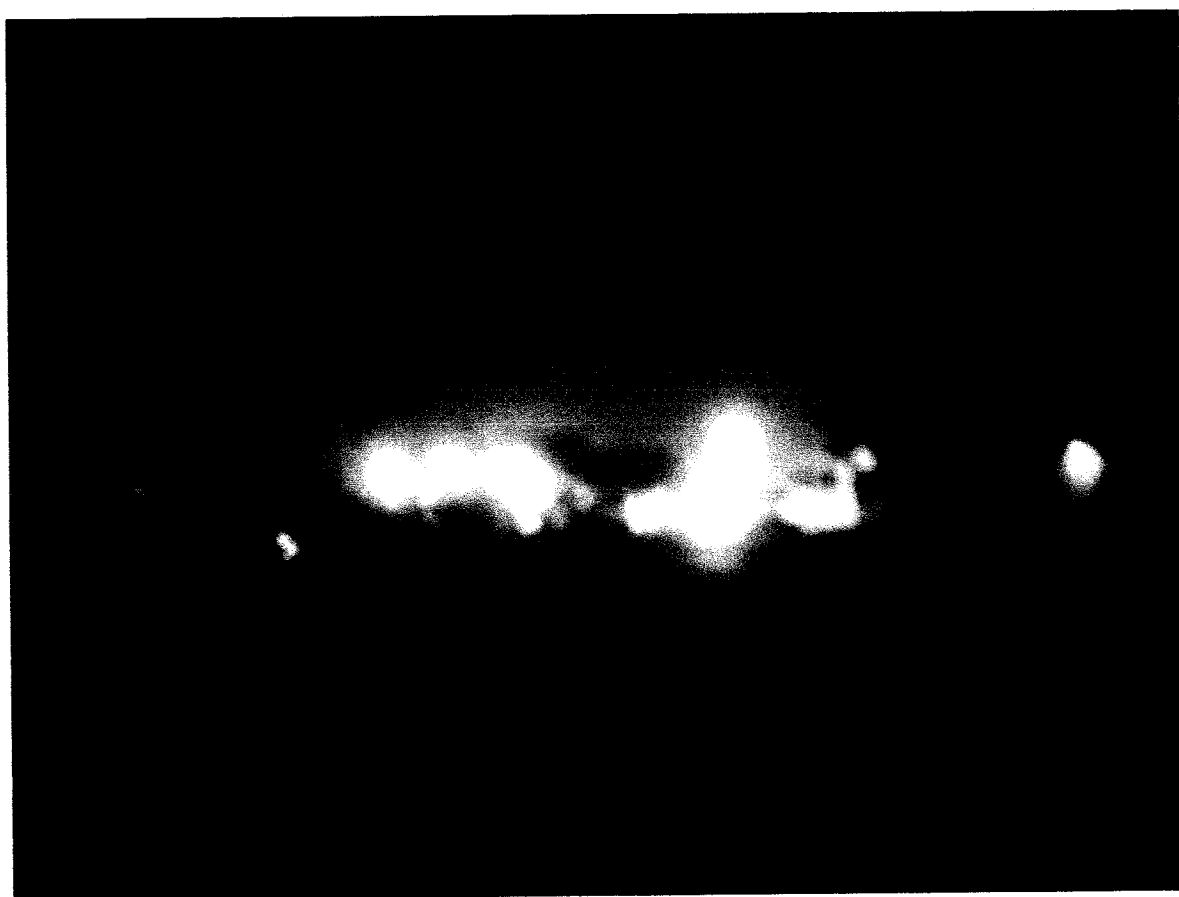
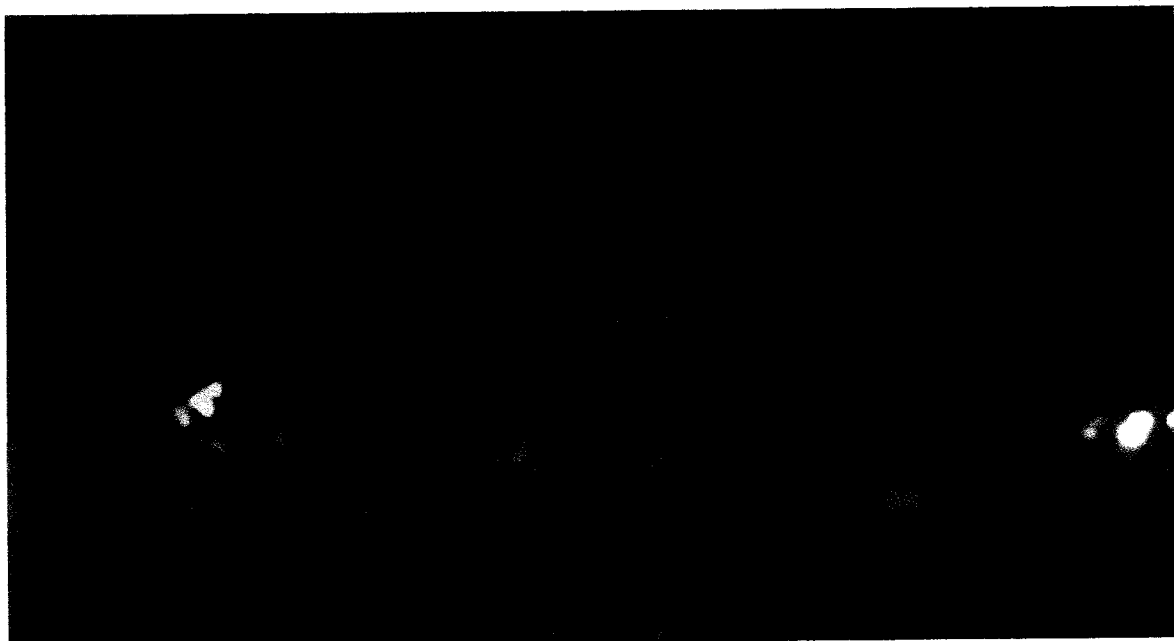
11/10/2009

ATTACHMENT NO. 6.6



11/10/2009

ATTACHMENT NO. 6.7



11/10/2009

ATTACHMENT NO. 6.8

From: MarilynEE@aol.com [mailto:MarilynEE@aol.com]
Sent: Tuesday, October 13, 2009 3:37 PM
To: Bohr, Keith; Green, Cathy; Hardy, Jill
Cc: Engle, Jim; Flanagan, Tim; Field, Scott; Hess, Scott
Subject: Re BLINDED BY THE LIGHTS

Honorable Mayor and City Council and Mr. Massi,

As you can see by the attached picture, at Friday's night's game of October 9, 2009, at Brethren Christian I found it very unsafe and unnerving to back my car out of my driveway during the football game, due to light spillage from the football field directly across the street from my house. I live at the corner of Strathmoor and Effingham, right on the corner..the lights were aimed directly toward my driveway and front window of my house. As I attempted to back out of my driveway, I was blinded by the lights. Would you please correct this unsafe situation for me. The Conditional Use Permit requires NO light spillage.

As the football game was ending many cars were exiting the lot at Strathmoor and Effingham. and as they were departing the traffic attendant's did nothing to slow down the cars as they left the lots. I saw a near accident and the man came back and talked to me and asked if I had just seen what happened and I told him I did. Cars were racing down Effingham and Strathmoor. I called HBPD and I reported the speeding cars. This was about 8:45 p.m. I spoke to the traffic attendant's and after that they FINALLY stood out in the street to direct traffic down Strathmoor only. they allowed no cars to go down Effingham, which finally slowed down traffic.

The game was over at 9:30 PM and the traffic attendants left at 9:50 pm leaving many cars still in the parking lot to depart, plus 4 buses.

At 10:15pm the band started playing inside the school, but the doors were open, and I then called the Police Dept., and they informed that it was private property and they couldn't do anything about it. Is that correct?

I thought it was public property.. Please address this with the Police dept.

The headlights of every car and buses that left the game came directly into my home. I found this to be very annoying and uncomfortable. I have a extremely ill husband and even he was upset by this.

The school did not close down until 11:15pm. Making noise and again with the lights.

Please try and remedy these situations.

Thank you for your consideration of this matter.

Marilyn LaBollita
21212 Strathmoor Lane
714-963-7983

11/10/2009

ATTACHMENT NO. 6.10

From: MARIA JONES <rmjones4@verizon.net>

To: Bohr, Keith; Green, Cathy; Carchio, Joe; Coerper, Gil; Dwyer, Devin; Hardy, Jill; Hansen, Don; Massi, Rich

Cc: tcrowther@earthlink.net <tcrowther@earthlink.net>

Sent: Tue Oct 13 12:30:23 2009

Subject: lights continue to encroach on neighborhood.

Mayor and City Council and Mr. Massi,

Although the pictures are not the best they do show that the lights from the football game on Friday, Oct.9 still spill over into our neighborhood (Red Jacket, Indigo, and Cocobana). I don't know what we can do as a neighborhood anymore than we have done to get **your attention** on this matter. The grumblings I hear daily about Brethren Christian's games are horrendous. You, City Council, were put into office to serve your city and its citizens. I find it appalling that you won't...or can't, help us. I truly believe if one of you lived in our neighborhood you would never have allowed this to happen.

Maybe, we can get day football games?

Now, they are asphaltting over a grassy area at the top of Cocobana...So I shake my head in utter dismay about our once lovely, peaceful, neighborhood going down to lower property values, increased traffic and noise and lights and wonder **why you won't help.**

Shame on you!!!!

Maria Jones

9701 Orient Drive

11/10/2009

ATTACHMENT NO. 6.11



ATTACHED FILE 6.13